

JOURNAL
OF
THE COUNCIL
OF THE
FIFTH LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE FIFTH DAY^{NGER.}
OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY TWO.^{IS.}

DAVENPORT:
ALFRED SANDERS, PRINTER.
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JOURNAL

THE COUNCIL

OF THE TERRITORY OF IOWA

TERRITORY OF IOWA

AND HEAD AT IOWA CITY, ON MONDAY THE TWENTH DAY
OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND NINETY TWO

DAVENPORT:
PUBLISHED BY
1892

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JOURNAL
OF
THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

Begun and held at Iowa City, on Monday the Fifth day of December, A. D. 1842, by virtue of an Act of the Legislative Assembly, approved Jan. 13, 1841.

At 12 o'clock M., the Council was called to order by James W. Woods, Secretary, when it appeared, that the following named members had filed their certificates of election, and answering to the call of the Secretary, were severally sworn by Wm. L. GILBERT, Esq.

From the County of Lee—ROBERT M. G. PATTERSON, and WILLIAM PATTERSON.

From the County of Van Buren—JOHN D. ELBERT, and JAMES H. JENKINS.

From the County of Des Moines—SHEPHERD LEFFLER.

From the County of Henry—WILLIAM H. WALLACE.

From the County of Jefferson—JOSEPH B. TEAS.

From the Counties of Louisa and Washington—FRANCIS SPRINGER.

From the Counties of Muscatine and Johnson—PLEASANT HARRIS.

From the Counties of Cedar, Jones and Linn—JOHN P. COOK.

From the Counties of Scott and Clinton—ROBERT CHRISTIE.

From the Counties of Dubuque, Jackson, Delaware and Clayton—THOMAS COX and FRANCIS GEHON.

On motion of Mr. Springer,
WILLIAM H. WALLACE was appointed President, *pro tem*.

On motion of Mr. Springer,
A committee of elections consisting of five members, were appointed to examine the credentials of members.

The President *pro tem*. appointed Messrs. Springer, Cox, Cook, Teas and W. Patterson said committee.

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On motion of Mr. Elbert,
John Lewis was appointed Sergeant-at-Arms, *pro tem*.
Mr. Springer from the committee appointed to examine the credentials of members reported,

That they had attended to the duties assigned them and found the credentials of all the members to be correct, and satisfactory, and asked to be discharged.

The report was concurred in and the committee discharged.

On motion of Mr. Springer,
The Council adjourned until to-morrow morning, at 10 o'clock.

TUESDAY MORNING, DECEMBER 6, 1842.

On motion of Mr. Springer,
The Council proceeded to the election of President.

Mr. Leffler nominated Joseph B. Teas,

Messrs. Cook and Cox were appointed tellers.

The votes having been taken and counted, stood as follows:

Joseph B. Teas received	5 votes.
Francis Springer	5 "
Blank	2 "

No one having received a majority of all the votes given, a choice was not made.

Mr. Springer moved a call of the Council, which was had when it appeared that Mr. Jenkins was absent.

On motion a further call of the Council was dispensed with.

On motion of Mr. Cox,

The election of President was postponed until 3 o'clock, P. M.

On motion of Mr. Elbert, ordered, That the rules for the government of the Council of the last session be adopted for the temporary government of this Council, and until new rules are adopted.

On motion,

The Council adjourned until three o'clock P. M.

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3 O'CLOCK, P. M.

On motion of Mr. Cox,

The Council proceeded to the election of President.

Messrs. Christie and Gehon acting as tellers.

The votes having been taken and counted stood as follows:

Joseph B. Teas received	6 votes.
Francis Springer "	4 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a third balloting.

The votes being taken and counted it appeared that,

Joseph B. Teas received	6 votes.
Francis Springer "	4 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

A motion was made by Mr. Cook, to postpone the election of President until next Tuesday.

A motion was made by

Mr. Cox to amend said motion, by inserting to-morrow, which was decided in the affirmative, the question then recurring on said motion as amended.

Mr. Springer called the yeas and nays, which being taken were as follows:

YEAS—Messrs. Christie, Cox, Gehon, Harris, Leffler, William Patterson, and Teas,—8.

NAYS—Messrs. Cook, Elbert, Jenkins, Springer and Wallace—5.

So said motion as amended was carried.

On motion of

Mr. Springer, ordered that a committee of three be appointed to prepare rules for the government of the Council.

Messrs. Springer, Leffler and Cox were appointed said committee.

On motion the Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, DECEMBER 7, 1842.

Messrs. Robertson and Hepner a committee from the House of Representatives waited on the Council and informed them, that the House had organized and were ready to proceed to business.

On motion of Mr. Cox,

The Council proceeded to the election of President,
Messrs. Wm. Patterson and Leffler acting as tellers.

The votes having been taken and counted stood as follows:

John D. Elbert received	5 votes.
Joseph B. Teas "	5 "
Thomas Cox "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a fourth balloting.

The votes being taken and counted, it appeared that

John D. Elbert received	6 votes.
Joseph B. Teas "	4 "
Blank "	3 "

No one having received a majority of all the votes given, there was no choice made.

A motion was made by

Mr. Springer that the Council do now proceed to the election of a Secretary.

The question was lost.

Mr. Gehon withdrew the name of Joseph B. Teas, and nominated Thomas Cox, for President.

The Council then proceeded to a fifth balloting.

The votes being taken and counted were as follows:

John D. Elbert received	7 votes.
Thomas Cox "	4 "
William H. Wallace "	1 "
Blank	1 "

Mr. Elbert having received a majority of all the votes given, was declared duly elected President of the Council, and was conducted to the Chair by Messrs. Gehon and Springer, when he returned thanks for the honor conferred upon him.

On motion of Wm. Patterson the Council adjourned until two o'clock P. M.

2 O'CLOCK, P. M.

On motion of Mr. Wallace,

The Council proceeded to the election of a Secretary.

Mr. Springer nominated Joseph T. Fales.

Messrs. Cox and Wm. Patterson were appointed tellers.

The votes having been taken and counted, stood as follows:

Joseph T. Fales received	5 votes.
James W. Woods "	4 "
Blank "	3 "
C. Olney "	1 "

No one having a majority of all the votes given, a choice was not made.

The Council then proceeded to a second balloting.

The votes being taken and counted, stood as follows:

Joseph T. Fales received	6 votes.
James W. Woods "	5 "
C. Olney "	1 "
Blank "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a third balloting.

The votes having been taken and counted stood as follows:

Joseph T. Fales received	6 votes.
James W. Woods "	4 "
C. Olney "	1 "
T. S. Parvin "	1 "
Blank "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a fourth balloting, the votes having been taken and counted, stood as follows:

Joseph T. Fales received	8 votes.
James W. Woods "	1 "
T. S. Parvin "	3 "
Blank "	1 "

Joseph T. Fales having received a majority of all the votes given was declared duly elected Secretary.

On motion of Mr. Springer,

The Council proceeded to the election of Sergeant-at-arms.

Messrs. Wallace and Cook acting as tellers.

Mr. Wm. Patterson nominated William A. Donnell.

Mr. Cox nominated James L. Kirkpatrick.

Mr. Jenkins nominated John Lewis.

The votes having been taken and counted, stood as follows:

William A. Donnell received

9 votes.

James L. Kirkpatrick “

3 “

John Lewis “

1 “

William A. Donnell having received a majority of all the votes given was duly declared elected Sergeant-at-Arms.

On motion of Mr. Springer,

The persons elected as officers came forward and were severally sworn and entered upon the discharge of their duties.

On motion of Mr. Gehon,

Ordered, That a committee of two be appointed, to wait upoh the House of Representatives and inform them that the Council is now organized and ready to proceed to business.

Messrs. Gehon and Wallace were appointed said committee.

On motion of Mr. Springer,

Resolved, That a committee of two be appointed, to act in conjunction with a similar committee, to be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two Houses are now organized, and ready to receive any communications, which he may wish to make to them.

Messrs. Springer and Cook were appointed said committee.

On motion of Mr. Cox,

Resolved, That the following be the Standing Committees of the Council. On the Judiciary, on Finance, on Internal Improvement, on Schools, on Military Affairs, on Roads, Incorporations, on Territorial Affairs, on Public Buildings, on Elections, on Engrossed Bills, on Counties and Township Boundaries, on Agriculture, on Claims, on Expenditures, on Enrolled Bills.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT: The House of Representatives have appointed Messrs. Wilson and Felkner, a committee on the part of the House, to act with a corresponding committee appointed on the part of the Council, to wait on the Governor, and inform him that the two Houses are now organized, and ready to receive any communications, he may have to make them.

And then he withdrew.

Mr. Springer from the joint committee appointed to wait on the Governor, reported, that they had performed that duty, and that the Governor informed them, that he would communicate with the two Houses in writing immediately. The Governor's private Secretary was announced, who handed in the Governor's annual Message. Which was read at the Clerk's table as follows:

Fellow Citizens of the Council,

and of the House of Representatives:

Since the last annual meeting of the Legislative Assembly, the people of the Territory have continued to enjoy the blessings of health and peace, and industry has been rewarded with abundance. Let us, therefore, in re-

newing our efforts to promote the general welfare, not forget to acknowledge, with humility, our dependence upon the Most High, and to implore a continuance of his protection and favor.

Our population has continued steadily to increase, and the progress of improvement, in the limited extent of territory open to settlement, has been most cheering.

By a treaty recently made with the Sac and Fox Indians, under the direction of the President, they have ceded to the United States all their remaining claims to land in this Territory, embracing a tract of country estimated to contain ten millions of acres, a very large proportion of which is unsurpassed in fertility and beauty by any in the world—abounding in navigable streams of the purest water, and offering inducements to its settlement at least equal to any portion of the great valley of the Mississippi. If this treaty should meet the approbation of the President and Senate, the immediate influx of population into the country acquired by it will, in order to give effect to the laws and ensure the due administration of justice, render the organization of additional counties necessary.

Under the provisions of the Act of the last session “to provide for the expression of the opinion of the people of the Territory upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,” polls were opened in all the counties, at the time of holding the general election for the members of the Council and House of Representatives, and the question of “Convention” or “No Convention” submitted to the voters. Returns of the result have been made to the Secretary of the Territory, (with the exception of a single precinct in one of the counties,) which show a majority in every county, and a large aggregate majority, against a Convention.

The progress of the edifice for the accommodation of the Legislature and the Public Offices at the Seat of Government, has been quite as rapid and satisfactory as the means placed at the disposal of the Territorial Agent and Superintendent could have justified us in expecting. Whether the provision already made will be sufficient for the completion of the building, you will be enabled to determine after the reports of the Agent and Superintendent shall be submitted to you.

The further progress of the Penitentiary buildings is arrested by the want of means to carry on the work; and, although Congress has appropriated money to pay the debts heretofore contracted for labor performed and materials furnished, we are left to regret the failure to supply the means of completing it—and to regret it the more deeply, because, while our citizens, by their enterprise and industry, are daily exchanging the value and availability of the public domain within our Territorial limits, it forms so large a portion of the great source of revenue, available to our more fortunate neighbors of the States, but prohibited to us, that, to raise revenue for such purposes by a direct tax upon those who have obtained a right to small portions of land, by the sacrifice of all their present enjoyments and many of the comforts of a more advanced stage of improvement, would be unjust and oppressive—struggling, as they are, amidst the exhaustion of their pecuni-

any means thus produced, to erect shelters for their families, and bring into cultivation a sufficient portion of the soil for their support. Such a tax, in addition to the contributions demanded of them for indispensable county purposes, would operate with a degree of severity which, it is feared, the Representatives of the States in Congress do not justly appreciate. Our population, like that of most new countries, is made up, in a great degree, of enterprising and industrious individuals with young and dependent families, who, urged by the hope of bettering their condition, press forward to the frontier with very limited means; and all the money they bring with them, as well as the first products of their labor, is immediately absorbed in the purchase of small portions of land, and in efforts to render it available for their subsistence. None but those who have witnessed can justly appreciate the privations, and, in many instances, the actual suffering, submitted to by the enterprising and hard-working inhabitants of a frontier settlement, for the procurement of permanent homes, in even the smallest legal subdivision of the public land. To such a population, standing in the front rank of the general defence, in case of war with our savage neighbors, extending the march of civilization into the wilderness, increasing the population and resources of the Republic, and replenishing the national treasury, by the application of all their resources to the purchase of the public lands, (which but for their enterprise and industry would be comparatively valueless,) a just and liberal government ought not to dole out its aid with a parsimonious hand.

Our criminal laws have been enacted with a view to the reformation of offenders. By the substitution of confinement and labor for punishments of a sterner character, their due administration is inseparably connected with the use of the Penitentiary; and, in the absence of the hoped-for aid of the General Government to complete it, I commend to your earnest consideration whether, under existing circumstances, any means, not absolutely oppressive to our fellow citizens, can be devised for carrying on and so far perfecting the work as to render it more extensively available for the purposes for which it was commenced.

In my last annual message I took occasion to call the attention of the Legislature to the inefficiency of the law to prohibit and punish the sale of intoxicating liquors to our Indian neighbors; but no further legislation on the subject was then deemed necessary, and the offence has continued to be perpetuated, with very few exceptions, with entire impunity, and is increasing in frequency. I deem it, therefore, an imperative duty again to invoke your deliberate consideration of the matter. The crime not only involves a breach of positive law, and a most pernicious and degrading disregard of the principles of morality and religion, but tends to produce collisions between our frontier inhabitants and the Indians, affecting life and the destruction of property, and may lead to conflicts of a more extensive and dangerous character. without some more effectual means of suppressing it than at present exist can be devised.

No serious effort seems to have been made in any part of the Territory to carry into operation the plan of public instruction provided for by the

existing laws; and it is to be feared that until the *permission* to organize township schools is rendered a positive duty, enforced by proper penalties for neglect, the laws now in force will remain inoperative.

The almost total failure of the officers of our militia to make returns of the numerical strength and equipment of their respective commands as required by law, puts it out of the power of the War Department of the General Government, under the existing laws of the United States, to make such a distribution of arms to the Territory as, with proper returns and reports, we should be entitled to; and such is the universality of this gross negligence of duty, that it seems to leave the executive authority no means of correcting the evil but by a resort to the onerous duty of a general dismissal of delinquents from command, leaving it doubtful whether others could be found to fill their places who would perform the duties with more efficiency. I would, therefore, respectfully suggest for your consideration the propriety of imposing pecuniary penalties for this description of official delinquency; and (as it would be difficult, if not impossible, under existing circumstances, to constitute a military court, in which the judges and the accused would not be found equally in default,) to commit the enforcement of such penalties to the civil tribunals.

The experience of another year confirms the opinion expressed at the close of the last, of the vast importance to the people of the west of the removal of the obstructions to the safe navigation of the Mississippi and its principal tributaries. The destruction of property (to say nothing of the loss of life) occasioned by these obstructions, in the last ten or twelve months, is believed to be equal in amount to the sum necessary for their removal; but, as a work of so much magnitude and general importance can only be effected by the concentrated action of the nation, through its Representatives in Congress, we must endeavor to console ourselves with the hope that the time cannot be very remote when union and concert among the Representatives of the people interested in the navigation of the western rivers will convince their brethren of the Atlantic States that *their interest* will be best consulted by allowing to us a just participation in the benefits to be derived from the application of the national treasure to the protection and security of commerce. The west has a right to demand such a participation, and, with union and concert among its representatives, the power to obtain it. Iowa, it is true, has no voice in the councils of the nation, but her citizens are contributors to the support of its government, and have a right to expect equal benefits from its action, which it can hardly be alleged they enjoy, while hundreds of thousands of dollars worth of their property is annually destroyed upon one of the largest rivers in the world, for the want of an expenditure of a much less sum than has been appropriated from the national treasury for the construction of a single breakwater or artificial harbor in the Delaware river, *for the protection of commerce*. Whether it is worth while further to press this subject upon the attention of the *present* Congress by way of memorial or petition, is respectfully submitted to your consideration.

The restrictions imposed by an act of the last session of Congress upon the expenditure of the appropriations for the support of the Territorial Governments, as well as the sum appropriated for this Territory, indicates a necessity for retrenchment in the usual expenses incident to your session. it is my duty, therefore, to recommend despatch in the performance of your legislative duties and economy in the expenditure of the fund appropriated for the expenses of your session.

It remains only for me to assure you of my readiness to co-operate with you in such of your acts as may require executive interposition.

I am, respectfully,

Your obedient servant,

JOHN CHAMBERS.

DECEMBER 7th, 1842.

On motion of Mr. Springer,

Ordered, That the Message be laid on the table, and that one thousand copies of the same, be printed, for the Council.

On motion of Mr. Leffler,

Resolved, That James W. Woods, be allowed the sum of nine dollars, for three days services as Secretary of the Council, and the sum of twenty-five dollars for mileage, in all the sum of thirty-four dollars, to be paid by the Secretary of the Territory, out of any funds not heretofore appropriated.

On motion of Mr. Springer,

Resolved, That John Lewis be allowed the sum of nine dollars, for three days services as Sergeant-at-Arms, *pro. tem.* of the Council.

By virtue of an act of the Legislative Assembly, approved Feb. 17, 1842.

The Secretary with the approbation of the President, appointed Samuel K. Helmick Assistant Secretary, and Charles Madera, Engrossing Clerk.

The Sergeant-at-Arms appointed Bushnell Austin, Fireman and J. F. Chambers, Messenger.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, DECEMBER 8, 1842.

The President announced the following named gentlemen, the Standing Committees of the Council:

On the Judiciary,—Messrs. Springer, Leffler and Wallace.

Finance,—Messrs. Wallace, Harris and Christie.

Internal Improvements,—Messrs. Gehon, Jenkins and Harris.

Schools,—Messrs. Leffler, Gehon and Springer.

Enrollments,—Messrs. Cook, Leffler and Teas.

Military Affairs,—Messrs. Cox, R. M. G. Patterson and Cook.

Roads,—Messrs. Harris, Cox and Jenkins.

Incorporations,—Messrs. R. M. G. Patterson, Wallace and Teas.

Territorial Affairs,—Messrs. Wm. Patterson, Cox and Wallace.

Public Buildings,—Messrs. Teas, Harris and Wallace.

Elections,—Messrs. Christie, Springer and Jenkins.

Counties and Township Boundaries,—Messrs. Wm. Patterson, Leffler and Gehon.

Agriculture,—Messrs. Jenkins, Wm. Patterson and Cox.

Engrossed Bills,—Messrs. Wallace, Cook and Leffler.

Claims,—Messrs. Cook, R. M. G. Patterson and Gehon.

Expenditures,—Messrs. Leffler, Christie and Jenkins.

On motion of Mr. Wallace,

Resolved, That the Secretary be directed to make arrangements with the Post Master of this City, for the payment of all postage, on letters and papers, sent to and from the Council, during the present Session; and report the same to the Council.

Mr. Springer offered the following:

Resolved, That the editor of the newspaper, published in this City, be employed to do the incidental printing of the Council, until otherwise ordered.

A motion was made by Mr. Wallace, to fill the blank by inserting "Iowa Standard," pending which,

On motion of Mr. Leffler,

Ordered, That the resolution lie on the table, and a committee of three be appointed to establish the rates of printing.

Messrs. Leffler, Wallace and Springer were appointed said committee.

On motion of Mr. Springer,

Resolved, That a committee of three be appointed, to act in conjunction with a similar committee, to be appointed on the part of the House of Representatives, to frame the necessary rules, for the government of the intercourse between the two Houses; Messrs. Cook and Gehon were appointed said committee.

Mr. Wallace offered the following:

Resolved, That the Secretary furnish each member of the Council with Copies weekly of such newspapers published in this City as they may direct.

On motion of Mr. Cox, the blank was filled with the word twenty.

The question then being on the adoption of the resolution as amended, it was decided in the affirmative.

Mr. Springer gave notice, that he would on to-morrow, or some future day, ask leave to introduce a bill, for changing the times of holding Courts in the Second Judicial District.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, DECEMBER 9, 1842.

Mr. Teas offered the following:

Resolved, That a Select Committee of _____ be appointed on the part of the Council, as a committee of revision, to act with a similar committee, to be appointed by the House of Representatives, to revise and compile the laws of this Territory.

A motion was made by Mr. Wallace, that said Resolution do lie upon the table.

And the question being put, it was determined in the affirmative.

On motion of Mr. Teas,

Resolved, That the Standing Committee on Territorial Affairs, be instructed to prepare a Memorial to the Congress of the United States, urging the propriety and necessity of running and marking the temporary line, separating the Indians and the Whites, at the earliest day practicable, in the event the late Treaty with the Sac and Fox Indians may be ratified.

Mr. Springer, from the Select Committee appointed to prepare rules for the government of the Council, reported the rules of the last Session, with sundry amendments, which were laid on the table.

On motion of Mr. Harris,

Ordered, That the Governor's Message be taken from the table.

It was then on motion of Mr. Harris,

Resolved, That so much of the Message, as relates to the recent Treaty with the Sac and Fox Indians, and to the organization of additional counties, be referred to the committee on Territorial Affairs.

And, that so much, as relates to Public Buildings, be referred to the committee on Public Buildings.

And, that so much, as relates to the Penitentiary, be referred to the committee on Public Buildings.

And, that so much, as relates to the Laws, prohibiting the sale of intoxicating Liquors to the Indians, be referred to the committee on the Judiciary.

And, that so much, as relates to public instruction, be referred to the committee on Schools.

And, that so much, as relates to the Militia, be referred to the committee on Military Affairs.

And, that so much, as relates to the navigation of the Mississippi and its tributaries, be referred to the committee on Internal Improvements.

A motion was made by Mr. Cook, [to reconsider the vote on the resolution, which was decided in the affirmative.

A motion was then made by Mr. Cook, to amend the resolution so as to refer that part of the Governor's Message which relates to Military Affairs, to a select committee of one from each Electoral District, which was decided in the affirmative.

The question then recurred on the adoption of the resolution as amended, and was decided in the affirmative.

Messrs. Cook, Wm. Patterson, Jenkins, Leffler, Wallace, Teas, Springer, Harris, Christie and Cox, were appointed the select committee.

Mr. Wm. Patterson presented the report of the Director of the Penitentiary, which was read. Ordered, that the report do lie upon the table, and that five hundred copies of the same be printed.

Mr. Cook gave notice, that he would on some future day, introduce a bill, to regulate the mode of petitioning the Legislative Assembly.

A message from the House of Representatives, by Mr. Wallace their Chief Clerk.

Mr. President: I am directed to inform the Council, that the House have appointed Messrs. Robertson, Hepner and Lewis, a committee on the part of the House, to act with a similar committee appointed by the Council, to prepare rules for the government of the intercourse between the two Houses.

And then he withdrew.

On motion of Mr. Springer,

The Council adjourned until Monday morning, 10 'clock.

MONDAY MORNING, DECEMBER 12, 1842.

Mr. Gehon presented the petition of sundry citizens of Linn and Delaware counties, praying the establishment of a Territorial road, leading from Marion in Linn county to Leroy Jackson's in Delaware county, thence to O. A. Omstead's Mill, or to intersect the Delaware and Dubuque road at that place; referred to the committee on roads.

Mr. Gehon presented a petition from sundry citizens of Buchanan, Delaware and Dubuque counties praying the establishment of a Territorial road, leading from Bennets's Mills on the Waubsepinecon in Buchanan county by the county seat of Delaware county to the city of Dubuque; referred to the committee on roads.

Mr. Wm. Patterson presented the petition of sundry citizens of Lee county, praying for a review of that part of the Territorial road, leading from West Point in Lee county to Salem, in Henry county, commencing at Benjamin Graham's and to continue on or near said road four miles; referred to the committee on roads.

Mr. Teas, presented the petition of sundry citizens of Jefferson and Washington counties, asking the Legislature to grant to John Troxell, of the county of Jefferson, a charter to build a dam across the north fork of Skunk River, at a point known as the Cedar bluffs; referred to the committee on incorporations.

On motion of Mr. Harris,

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency, of so amending the criminal laws, as to make it discretionary with Justices of the Peace and Grand Jurors, to require security, from persons making complaints before them, for a violation of said laws and to report by bill or otherwise.

On motion of Mr. Cox,

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency, of so revising the Justices' Law, as to bring it all under one enactment.

Mr. Leffler from the select committee on printing, offered the following:

Resolved, That for incidental printing, including bills, reports, messages and resolutions of the Council, for the Session of 1842-3, the printers employed, be allowed the rates established, by a joint resolution of Congress, in the year 1819, together with the sum of fifty per cent in addition thereto.

On motion of Mr. Springer, the resolution was laid on the table until tomorrow.

The President laid before the Council, the report of the Superintendent of Public Buildings, which was read, and on motion of Mr. Springer, referred to the committee on Public Buildings.

The following communication was read:

COUNCIL CHAMBER,
Dec. 12th., 1842. }

To the Honorable J. D. ELBERT,
President of the Council.

Sir: The undersigned, would respectfully inform the Council, that the necessary arrangement has been made with the Post Master of this City for the payment of all postage on letters and papers sent to and from the Council, during the present Session.

I have the honor to be

Yours, very respectfully,

JOS. T. FALES,

Secretary.

The President laid before the Council the report of the Territorial Agent, which was read.

On motion of Mr. Cox, Ordered, That the report be laid on the table, subject to the order of the Council.

On motion of Mr. Jenkins,

The Council adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

Mr. Cox moved a call of the Council, which was had; and the roll being called, those members who failed to answer to their names, were Messrs. Gehon, Leffler, Springer and Wallace.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, Messrs. Gehon, Leffler and Wallace appearing, a further call of the Council was, on motion suspended.

A motion was made by Mr. Teas to take from the table the resolution in relation to the revision of the Laws, which was decided in the affirmative. The resolution was then on motion of Mr. Teas referred to the committee on the judiciary.

Mr. Springer from the joint committee appointed to prepare rules for the government of the intercourse between the two Houses made the following report:

The committee appointed by the Council to act in conjunction with a similar committee on the part of the House of Representatives in framing rules for the government of the intercourse between the two Houses, would respectfully report, that they have met in conference with the committee on the part of the House of Representatives, and that said committees have agreed to recommend to their respective Houses the adoption of the joint rules adopted at the last Session of the Legislative Session for the government of the intercourse between the two Houses. The report was concurred in.

Mr. Harris from the committee on roads, reported No. 1 C. F. A bill to

relocate a part of the Territorial Road, leading from West Point in Linn county, to Salem in Henry county, which was read a first time.

On motion of Mr. Springer,

Ordered, That the report of the committee appointed to prepare rules for the government of the Council, be taken from the table.

On motion of Mr. Cox the Council resolved itself in committee of the whole, for the consideration of said rules.

After some time spent therein Mr. President resumed the Chair, and Mr. Cox reported that the committee had, according to order had said rules under consideration, and directed him to report the same back to the Council with sundry amendments; in which the Council concurred.

On motion of Mr. Cook,

Ordered, That the Secretary be instructed to have 50 copies of the standing rules printed.

On motion of Mr. Cox, the Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, DECEMBER 13, 1842.

The President laid before the Council the Report of the Librarian, which was read. (*appendix 213*)

On motion of Mr. Cook,

Ordered, That said report do lie upon the table, subject to the order of the Council.

The President laid before the Council the following letter, which was read:

IOWA CITY,
Dec. 13th, 1842. }

To the Honorable President of the Council:

SIR:--I am directed by a vote of the Iowa City Washingtonian Temperance Society, through you, to invite the members of the Honorable Council to favor us with their presence at the next meeting of the Society, which will be held to-morrow evening at the M. P. Church, at 6½ o'clock.

Your ob't. servant,

SILAS FOSTER,
C'g. Sec'y. I. C. W. T. S.

The following resolution being the order of the day was taken up:

Resolved, That for incidental printing, including bills, reports, messages and resolutions of the Council, for the Session of 1842-3 the printers em-

ployed, be allowed the rates established by a joint resolution of Congress in the year 1819, together with the sum of fifty per cent in addition thereto.

A motion was made by Mr. Teas, to amend the resolution by striking out the words "together with the sum of fifty per cent in addition thereto."

And the question being put was determined in the negative, yeas 2, nays 11.

The yeas and nays being desired by Mr. Teas, those who voted in the affirmative were Messrs. Jenkins and Teas.

Those who voted in the negative were Messrs. Christie, Cox, Cook, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Wallace and Elbert President.

The question then recurring on the adoption of the resolution and being put, was decided in the affirmative.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have adopted the joint rules reported by the committee to draft rules to regulate the intercourse between the two Houses.

And then he withdrew.

No. 1, C. F. A bill to relocate a part of the Territorial Road leading from West Point in Lee county, to Salem in Henry county, was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That the bill be engrossed and read a third time to-morrow.

On motion of Mr. Springer,

Ordered, That the resolution authorizing the employment of a printer to do the incidental printing of the Council for the present Session, be taken from the table.

A motion was made by Mr. Springer, that the blank be filled with the words "Iowa Capitol Reporter."

Which was agreed to.

The question then recurring on the adoption of the resolution as amended, was determined in the affirmative.

Mr. Cook on leave, introduced No. 2, C. F. A bill to regulate the mode of petitioning the Legislative Assembly in certain cases, which was read a first time.

On motion of Mr. Wm. Patterson,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, DECEMBER 14, 1842.

Mr. Teas offered the following:

Resolved, That a committee of three be appointed to draft a Memorial to the President of the United States, asking the postponement of the sales of the public lands now offered for sale in the Fairfield and Dubuque Land Districts.

On motion of Mr. Cox,

Ordered, That said resolution do lie upon the table, subject to the order of the Council.

Mr. Springer from the committee on the Judiciary, to which was referred a resolution, to inquire into the "expediency of amending the criminal laws, so as to make it discretionary with Justices of the Peace and Grand Jurors, to require security from persons making complaints before them, for a violation of said laws," reported that they deemed it inexpedient to make the amendments, suggested in the said resolution, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed No. 5, H. R. file. A joint resolution providing for the appointment of a joint committee to receive proposals from the two presses of the City for the necessary printing, &c., and have appointed Messrs. Walworth, Lewis and McMillan said committee on the part of the House. In which the concurrence of the Council is requested.

And then he withdrew.

Mr. Wallace from the committee on engrossed bills, reported No. 1, C. F. as correctly engrossed.

No. 2, C. F. A bill to regulate the mode of petitioning the Legislative Assembly in certain cases, was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to a select committee. Messrs. Cook, Wallace and Wm. Patterson were appointed said committee.

No. 1, C. F. A bill to relocate a part of the Territorial Road, leading from West Point in Lee county, to Salem in Henry county, was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 5, H. R. file. Joint resolution providing for the appointment of a joint committee to wait on the proprietors of the two political presses of this City, to receive proposals for doing such printing as may be deemed necessary, was read a first time.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, DECEMBER 15, 1842.

Mr. Harris presented the petition of sundry Journeymen printers of Iowa City, praying, That the prices of printing may not be reduced, as proposed in the resolution in regard to the incidental printing adopted by the Council, which was read and laid on the table.

Mr. Cox offered the following:

Resolved, That the committee on Incorporations be instructed to inquire into the expediency of granting one or more of the out lots of this City, to the citizens for a burial ground, and report by bill or otherwise.

A motion was made by Mr. Springer, to amend said resolution, by striking out the word "Incorporation" and inserting Territorial Affairs.

The amendment was agreed to.

The question then recurring on the resolution as amended, it was adopted.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed without amendment No. 1, C. F. An act to relocate a part of the Territorial Road, leading from West Point in Lee county, to Salem in Henry county.

Also, No. 1, H. R. file. "A joint resolution relative to a revision of the laws," and have appointed Messrs. Walworth, McMillan and Rogers, a committee on the part of the House, in compliance with said resolution.

And then he withdrew.

Mr. Wm. Patterson offered the following:

Resolved, That the Rev. Mr. Hummer and the Rev. Mr. Sherwell have the privilege of using the Council Chamber for Divine Service every alternate Sabbath during the present Session of the Legislature, unless otherwise ordered.

A motion was made by Mr. Springer, that said resolution lie upon the table. The motion was lost.

The question was then taken on the adoption of the resolution and was decided in the negative.

Mr. Wm. Patterson from the committee on Territorial Affairs, reported No. 3, C. file. A memorial to Congress asking for a Survey of the Indian boundary line, which was read a first time.

A motion was made by Mr. Teas to read said memorial a second time now. To which the Council agreed.

The memorial was read a second time.

On motion of Mr. Wallace,

The thirteenth rule was suspended, and the memorial read a third time and passed.

Ordered, That the Secretary request the concurrence of the House in the same.

No. 5, H. R. file. A joint resolution providing for the appointment of a joint committee to wait on the proprietors of the two political presses of this City, to receive proposals for doing such printing as may be deemed necessary, &c.

A motion was made by Mr. Springer, to indefinitely postpone said joint resolution,

Which was agreed to.

No. 1, H. R. file. Joint resolution in relation to a revision of the laws,

Was read a first time.

The following resolution offered yesterday by Mr. Teas, was taken from the table and adopted.

Resolved, That a committee of three be appointed to draft a memorial to the President of the United States, asking the postponement of the sales of the public lands, now offered for sale in the Fairfield and Dubuque Land Districts.

Messrs. Teas, Wallace and Leffler, were appointed said committee.

Mr. Teas from the select committee, appointed to draft a memorial to the President of the United States, asking for the postponement of the land sales.

Reported No. 4, C. F.,

Which was read a first time.

A motion was made by Mr. Teas,

To read said memorial a second time now,

To which the Council agreed.

On motion of Mr. Wallace,

The Council resolved itself in a committee of the whole, for the consideration of the memorial.

After sometime spent therein, Mr. President resumed the Chair and Mr. Wm. Patterson, reported, That the committee had according to order, had the said memorial under consideration, and instructed him to report the same with amendments,

In which the Council concurred.

On motion of Mr. Teas,

The thirteenth rule was suspended, and the memorial read a third time and passed.

Ordered, That the Secretary request the concurrence of the House of Representatives in the same.

Mr. Cook gave notice that he would on some future day introduce a bill to amend an act, entitled an act to regulate conveyances.

Also, a bill for the relief of Wm. Hessin.

Mr. Cook from the select committee to which was referred No. 2, C. F. A bill to regulate the mode of petitioning the Legislative Assembly, in certain cases, reported the same back with amendments.

On motion of Mr. Cox,

The Council resolved itself in committee of the whole for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Wallace reported, that the committee had according to order, had the said bill under consideration, and instructed him to report the same without amendment.

In which the Council concurred.

On motion of Mr. Cook,

Ordered, That the bill be engrossed, and read a third time to-morrow.

On motion of Mr. Wm. Patterson,

The Council adjourned until to-morrow at 10 o'clock.

FRIDAY MORNING, DECEMBER 16, 1842.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed No. 4, H. R. file. A preamble and joint resolution, relative to Iowa Manufactures,

In which the concurrence of the Council is requested.

And then he withdrew.

Mr. Harris presented the petition of the First Universalist Society of Iowa City, praying for the extension of time to complete their church.

On motion of Mr. Harris,

Ordered, That said petition be referred to a select committee of one, from each Council District, Messrs. Harris. Wallace, R. M. G. Patterson, Springer, Jenkins, Cox, Cook, Christie and Teas were appointed said committee.

Mr. Springer from the committee on the Judiciary reported, No. 5, C. F. A bill to prohibit and punish the sale of intoxicating liquors to Indians,

Which was read a first time.

On motion of Mr. Springer,

Ordered, That the usual number of copies be printed.

Mr. Springer from the committee on the Judiciary, reported No. 6, C. F. A bill to repeal an act entitled an act relating to auctions and auction sales, approved Jan'y. 17th, 1840,

Which was read a first time.

Mr. Wallace from the committee on engrossed bills, reported No. 2, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported No. 1, C. F. An act to relocate a part of the Territorial Road leading from West Point in Lee county to Salem in Henry county, as correctly enrolled.

No. 1, H. R. file. Joint resolution, relative to the revision of the laws,

Was read a second time.

On motion of Mr. Springer,

The 13th Rule was suspended and the resolution read a third time and passed. Messrs. Teas, Christie and Wallace, were appointed said committee on the part of the Council.

Ordered, That the Secretary notify the House of the same.

No. 2, C. F. An act to regulate the mode of petitioning the Legislative Assembly in certain cases,

Was read a third time and passed.

Ordered, That the Secretary inform the House and request their concurrence in the same.

No. 4, H. R. file. A preamble and joint resolution relative to Iowa Manufactures, was read a first time.

On motion of Mr. Springer,

Ordered, That 500 copies of the reports of the Superintendent of Public Buildings and Territorial Agent be printed for the use of the Council.

Mr. Harris gave notice,

That on to-morrow, or some subsequent day, he would ask leave to introduce a bill to amend the act relative to firing the woods and prairies.

A motion was made by Mr. Wallace,

To read No. 4, H. R. file. A preamble and joint resolution relative to Iowa Manufactures a second time,

Which was agreed to.

On motion of Mr. Wallace,

The Council resolved itself into a committee of the whole, for the consideration of said resolution, after sometime spent therein, Mr. President resumed the Chair, and Mr. Gehon reported, that the committee had, according to order, had said resolution under consideration and instructed him to report the same back without amendment,

In which the Council concurred.

On motion of Mr. Teas,

The 13th Rule was suspended and the preamble and joint resolution read a third time.

The question being on the passage of the resolution, it passed in the affirmative, yeas 8 nays 5.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were, Messrs. Christie, Cook, Jenkins, R. M. G. Patterson, Springer, Teas, Wallace and Elbert President.

Those who voted in the negative were Messrs. Cox, Gehon, Harris, Leffler and Wm. Patterson, so the resolution passed.

Ordered, That the Secretary notify the House accordingly.

Mr. Cox gave notice,

That he would on to-morrow or some future day introduce a bill to authorize the citizens of Bellevue, to elect an additional Justice of the Peace in that Township, who shall reside within the incorporated boundaries of said town.

Mr. Cook gave notice,

That he would on to-morrow, or some future day introduce a bill to provide for an additional Justice of the Peace in Cedar county, who shall reside within the limits of the town of Tipton.

On motion of Mr. Leffler,

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, DECEMBER 17, 1842.

A message from the House of Representatives by Mr. Wallace their Chief Clerk

MR. PRESIDENT:—I am directed to inform the Council, that the House have passed without amendment, No. 4, C. F. A memorial to the President of the United States, asking a postponement of the land sales in this Territory.

I also herewith present for your signature "An act to relocate a part of the Territorial Road leading from West Point in Lee county, to Salem in Henry county."

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

Mr. Cox asked leave of absence for Mr. Cook until Monday next, leave was granted.

On motion of Mr. Cox,

Resolved, That the Treasurer of this Territory be directed to report to this Legislature, whether he has received the monies that this Territory is entitled to, under the Act of Congress, of the 4th Sept. 1841, entitled "an act to appropriate the proceeds of the sales of public lands," &c.

Mr. Teas from the committee appointed on the part of the Council, to act with a similar committee on the part of the House, to take into consideration the expediency of revising the laws of this Territory, during the present Session of the Legislative Assembly, reported the following:

Resolved, That it is expedient to revise and compile the laws of this Territory during the present Session of the Legislative Assembly, and that a standing committee of four be appointed by the Council to act with a similar committee to be appointed on the part of the House, as a committee of revision.

On motion of Mr. Cox,

Ordered, That said resolution do lie upon the table until Monday next.

Mr. Leffler presented the account of Walter Butler, against this Territory

for rent of buildings occupied by the Legislative Assembly at the last Session, which was referred to the committee on Territorial Affairs.

No. 5, C. F. A bill to prohibit and punish the sale of intoxicating liquors to Indians,

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Leffler reported, that the committee had according to order, had said bill under consideration and directed him to report the same back with one amendment, and asked the concurrence of the Council.

A motion was made by Mr. Teas,

To strike out the words "six months," and insert the words "two months," being the term of imprisonment for a violation of said law.

The question was lost,

On motion of Mr. Springer,

Ordered, That the Bill be engrossed for a third reading on Monday next.

No. 6, C. F. A bill to repeal an act entitled an act relating to auctions and auction sales, approved January 17th, 1840,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair and Mr. Teas reported, that the committee had according to order, had said bill under consideration and instructed him to report the same without amendment, and asked the concurrence of the Council; the Council concurred in the same.

On motion of Mr. Teas,

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr. Harris from the select committee appointed for that purpose, reported No. 7, C. F. A bill to extend further time to the first Universalist Society of Iowa City to complete their House of Worship.

Which was read a first time.

On motion of Mr. Springer,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, DECEMBER 19, 1842.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—The House have passed No. 9, H. R. file. A joint resolution providing for establishing the prices of public printing, and have stricken out the enacting clause of No. 2, C. F. An act to regulate the mode of petitioning the Legislative Assembly in certain cases.

In which the concurrence of the Council is requested.

And then he withdrew.

Mr. Wallace presented the petition of sundry citizens of McCarverstown, Henrp county, praying, that the name of McCarverstown may be changed to Lowell; which was referred to a select committee, viz:

Messrs. Wallace, Cook and Gehon.

Mr. Springer from the committee on the Judiciary, reported No. 8, C. F. A joint resolution instructing our Delegate in Congress to procure an amendment of the Organic Law,

Which was read a first time.

Mr. Wallace from the committee on engrossed bills, reported Nos. 5 and 6, C. F., as correctly engrossed.

Mr. Patterson from the committee on Territorial Affairs, reported back the account of Walter Butler and asked that said committee might be discharged from the further consideration of the subject,

Which was agreed to.

On motion of Mr. Wallace,

Ordered, That said account be referred to the committee on claims.

Mr. Leffler from the committee on enrolled bills, reported, that the committee did on this day present to the Governor for his approval, an act to relocate a part of the Territorial Road, leading from West Point in Lee county to Salem, in Henry county.

Mr. Cook from the committee on enrollments, reported No. 4, C. F. A memorial to the President of the U. S. asking a postponement of the land sales, in this Territory, as correctly enrolled.

The President laid before the Council a communication from the Territorial Treasurer,

Which was read and laid on the table.

The resolution relative to the revision of the laws being the order of the day was taken up.

Mr. Cox moved to amend said resolution, by requiring the Judges of the Supreme Court to revise and compile the laws and report to the next Session of the Legislature,

Which was decided in the negative, yeas 3, nays 9.

The yeas and nays being desired by Mr. Teas, those who voted in the affirmative, were Messrs. Cox, Gehon and R. M. G. Patterson.

Those who voted in the negative were Messrs. Christie, Cook, Jenkins, Leffler, Wm. Patterson, Springer, Teas, Wallace and Elbert President.

Mr. Leffler moved to amend said resolution by striking out the words "revise and" which was decided in the negative.

The question then recurring on the adoption of the resolution. It was decided in the affirmative yeas 8, nays 4.

The yeas and nays being desired by Mr. Teas, those who voted in the affirmative were Messrs. Christie, Cook, Jenkins, Wm. Patterson, R. M. G. Patterson, Teas, Wallace and Elbert, President.

Those who voted in the negative were Messrs. Cox, Gehon, Leffler and Springer.

Messrs. Wallace, Teas, Wm. Patterson and Christie, were appointed the committee on the part of the Council.

No. 7, C. F. A bill to extend further time to the first Universalist Society of Iowa City, to complete their House of Worship,

Was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill do lie upon the table.

A message from the House of Representatives by Mr. Wallacs their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed No. 6, H. R. file. A bill granting to A. Scott Brownlee and others the right to construct a mill race. Also,

No. 7, H. R. file. A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases.

In which the concurrence of the Council is requested.

And then he withdrew.

No. 5, C. F. An act to prohibit and punish the sale of intoxicating liquors to Indians.

No. 6, C. F. An act to repeal an act entitled an act, relating to auctioneers and auction sales approved, January 17th, 1840,

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of the same and request their concurrence in the same.

No. 6, H. R. file. A bill granting to A. Scott Brownlee and others, the right to construct a mill race.

No. 7, H. R. file. A bill to legalize the acts of the County Commissioners of Des Moines county, in certain cases.

No. 9, H. R. file. A joint resolution to fix the price of printing, were severally read a first time.

Mr. Cook on leave introduced No. 9, C. F. A bill for the relief of Wm. Hessin.

Which was read a first time.

On motion of Mr. Wallace,

Ordered, That the bill be read a second time now,

The bill was then read a second time, and on motion of Mr. Cook,

Ordered, That said bill be referred to a select committee.

Messrs. Cook, Wallace and Harris were appointed said committee.

A motion was made by Mr. Cox,

That No. 9, H. R. file. A joint resolution to fix the price of printing be read a second time now,

The resolution was read a second time.

On motion of Mr. Cox,

The 13th Rule was suspended and the resolution read a third time and passed.

Messrs. Leffler, Springer and Wallace, were appointed the committee under the said resolution.

On motion of Mr. Christie,

The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, DECEMBER 20, 1842.

Mr. Cook from the select committee, to which was referred No. 9, C. F. A bill for the relief of Wm. Hessin, reported adverse to the passage of the bill, and asked to be discharged from the further consideration of the same.

The Council adopted the report.

Mr. Leffler offered the following:

Resolved, (The House of Representatives concurring herein,) that the two Houses will adjourn on Thursday the 22d inst., until
of January 1843,

Which was read a first time.

On motion of Mr. Springer,

Ordered that the resolution be read a second time now. The resolution was then read a second time.

On motion of Mr. Teas,

Ordered, That the blank be filled with "Monday the 2d day of January 1843.

Mr. Springer offered the following as a substitute:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That for the purpose of enabling the joint select committee appointed to revise and compile the statute laws of the Territory, to prepare bills for the action of the Legislative Assembly, the two Houses adjourn on Friday the 23d inst., until Monday the 2d day of January 1843.

passed till now

Mr. Cook moved to amend said resolution by striking out the words "Friday the 23d" and insert "Thursday the 22d."

To which the Council agreed.

The question was then taken on the resolution as amended, it passed in the affirmative.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment of the Organic Law,

Was read a second time.

On motion of Mr. Springer,

Ordered, That the resolution be engrossed and read a third time to-morrow.

No. 6, H. R. file. A bill granting to A. Scott Brownlee and others, the right to construct a mill race,

Was read a second time.

On motion of Mr. Christie,

Ordered, That the bill be read a third time to-morrow.

No. 7, H. R. file. A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That the bill be read a third time to-morrow.

On motion of Mr. Harris,

Ordered, That No. 7, C. F. A bill to extend further time to the first Universalist Society of Iowa City, to complete their House of Worship, be taken from the table,

To which the Council agreed.

On motion of Mr. Harris,

Ordered, That the bill be engrossed and read a third time to-morrow.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I herewith present for your signature, a memorial to the President of the U. S. asking a postponement of the land sales in this Territory. The same being signed by the Speaker of the House of Representatives.

The House have appointed Messrs. Walworth, Sales and Hepner the committee on the part of the House to fix the prices of public printing.

And then he withdrew.

The President signed the above entitled memorial.

On motion of Mr. Springer,

The Council adjourned until to-morrow morning at 10 o'clock.

Iowa State Library

WEDNESDAY MORNING, DECEMBER 21, 1842.

Mr. Wallace from the committee on engrossed bills, reported No. 7 and 8, C. F., as correctly engrossed.

Mr. Cook from the committee on claims, to which was referred the account of Walter Butler, made a report in relation thereto.

On motion of Mr. Cook,

Ordered, That the report do lie upon the table.

Mr. Cook from the committee on enrollments, reported that they did on the 20th inst. present to the Governor for his approval, a memorial to the President of the U. S. asking a postponement of the land sales in this Territory.

Mr. Harris from the committee on roads, reported No. 11, C. F. A bill to locate a Territorial road from Bennet's mill in Buchanan county, by the county seat of Delaware, to Olmstead's mill in said county. Also,

No. 12, C. F. A bill to locate a Territorial road from Jonathan H. Jenkins' in Linn county, to the city of Dubuque,

Which were severally read a first time.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council, that the House have passed,

No. 3, C. F. A memorial to Congress asking for a survey of the Indian boundary line. Also,

No. 13, H. R. file. A bill to authorize the board of Commissioners of Van Buren county to establish a certain road. Also,

No. 11, H. R. file. A bill to amend an act entitled an act, relating to the Office of Recorder of Deeds.

In which the concurrence of the Council is requested.

The House have appointed Messrs. McMillan, Andros, Felkner, Hackelman, Lewis, Newell, Robertson and Walworth a committee of revision on the part of the House.

And then he withdrew.

No. 6, H. R. file. An act authorizing A. Scott Brownlee and others the right to construct a mill race.

No. 7, H. R. file. An act to legalize the acts of the County Commissioners of Des Moines county, in certain cases.

No. 7, C. F. An act to extend further time to the First Universalist Society of Iowa City, to complete their House of Worship.

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment of the Organic Law,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of the same and request their concurrence.

No. 11, H. R. file. A bill to amend an act entitled an act relating to the Office of Recorder of Deeds.

No. 13, H. R. file. A bill to authorize the Board of Commissioners of Van Buren county to establish a certain road,

Were severally read a first time.

On motion of Mr. Springer,

Ordered, That No. 11, H. R. file. A bill to amend an act entitled an act relating to the Office of Recorder of Deeds, be read a second time now,

The bill was then read a second time.

On motion of Mr. Cox,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cox reported, that the committee had according to order, had said bill under consideration, and instructed him to report the same with one amendment,

The Council concurred in the amendment.

A motion was made by Mr. Cook,

To refer said bill to the committee of revision.

Mr. Patterson moved to amend the motion by referring the bill to the committee on the Judiciary, in which the Council concurred.

The question then being on the motion as amended it was agreed to.

On motion of Mr. Jenkins,

Ordered, That No. 13, H. R. file. A bill to authorize the board of Commissioners of Van Buren county to establish a certain road, be read a second time, now,

The bill was read a second time.

A motion was made by Mr. Wallace,

That the Council adjourn until to-morrow morning 10 o'clock.

And the question being put; it was determined in the negative, yeas 5, nays 8.

The yeas and nays being desired by Mr. Leffler.

Those who voted in the affirmative were,

Messrs. Christie, Gehon, Harris, R. M. G. Patterson and Wallace.

Those who voted in the negative were,

Messrs. Cox, Cook, Jenkins, Leffler, Wm. Patterson, Springer, Teas and Elbert, President.

A motion was made by Mr. Harris,

That the Council adjourn until 2 o'clock P. M., and the question being put, was determined in the affirmative, yeas 9, nays 4.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were,

Messrs. Cox, Cook, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, B.

M. G. Patterson and Elbert, President.

Those who voted in the negative were,
Messrs. Christie, Springer, Teas and Wallace.
So the Council adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed No. 20, H. R. file. A bill to change the name of Philip Ro-clure. Also, a resolution authorizing the committee of revision to fill vacancies and employ one Clerk.

And have passed with amendments,

No. 10, C. F. A resolution providing for an adjournment of the two Houses until the 2d day of January 1843.

In which the concurrence of the Council is requested.

And then he withdrew.

No. 10, C. F. As amended by the House, was taken up and read, and the question being on concurring in the amendments of the House, it was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Cook, Gehon, Harris, Leffler, Wm. Patterson and Teas.

Those who voted in the negative were,

Messrs. Jenkins, R. M. G. Patterson, Springer, Wallace and Elbert, President.

No. 20, H. R. file. A bill to change the name of Philip Ro-clure,

Was read a first time.

Resolutions authorizing the committee of revision to fill vacancies and employ one clerk, was read.

On motion of Mr. Cook,

Ordered, That said resolution do lie upon the table until to-morrow morning.

On motion of Mr. Gehon,

The Council adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, DECEMBER 22, 1842.

The following resolution being the order of the day, was taken up.

Resolved, By the House of Representatives, the Council concurring herein, that the committee on revision have power to fill any vacancies that may occur in that body during the recess of this House, and that said committee have power to employ one clerk.

A motion was made by Mr. Springer,

To amend said resolution by striking out the words, "employ one clerk" and insert "may command the services of any of the clerks of either house,"

Which was agreed to.

A motion was made by Mr. Wallace,

To amend the amendment by striking out the words, "fill any vacancies that may occur in that body during the recess of this House, from any of the members of this House and insert "have the power to command the services of any member of either House, to fill vacancies."

The Council refused to concur in the amendment.

The question then being on Mr. Springer's amendment,

It was agreed to.

The question recurring on the adoption of the resolution.

Mr. Leffler called for a division of the question on the subject contained in the resolution.

Mr. Wallace objecting.

The Chair decided it was susceptible of a division.

Mr. Springer appealed from the decision of the Chair,

And the question being taken on sustaining the decision of the Chair, it was decided in the negative.

Mr. Leffler moved to insert the words, "further resolved," previous to the words, "shall have power to command the services of any of the clerk's of either House,"

The question then being on the adoption of the first resolution, it was decided in the affirmative, yeas 7, nays 6.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were Messrs. Christie, Cook, Jenkins, R. M. G. Patterson, Springer, Teas and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson and Wallace.

The question then being on the adoption of the second resolution, it was decided in the affirmative, yeas 10, nays 3.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon and Harris.

Mr. Leffler asked leave of absence for Mr. Cook, until the 2d day of January, 1843.

No. 11, C. F. A bill to locate a Territorial Road from Bennet's mill in Buchanan county, via the county seat of Delaware, to Olmstead's mill in said county,

Was read a second time.

On motion of Mr. Harris,

Ordered, That the said bill be engrossed for a third reading on the 4th day of January next.

No. 12, C. F. A bill to locate a Territorial Road from Jonathan H. Jenkin's in Linn county to the city of Dubuque,

Was read a second time.

On motion of Mr. Gehon,

Ordered, That said bill do lie upon the table.

No. 20, H. R. file. A bill to change the name of Philip Roelure,

Was read a second time.

On motion of Mr. Harris,

Ordered, That said bill do lie upon the table.

No. 13, H. R. file. A bill to authorize the Board of Commissioners of Van Buren county, to establish a certain road,

Was read a third time and passed.

Mr. Cox asked leave of absence for the fireman, during the recess.

Leave was granted.

Mr. Leffler offered the following resolution:

Resolved, That the officers of the Council shall be paid as prescribed by law, and that the balance of the appropriation shall be applied to the payment of an extra clerk, provided the same shall not exceed three dollars per day.

On motion of Mr. Springer,

Ordered, That the resolution do lie upon the table.

On motion,

The Council adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

On motion of Mr. Teas,

The resolution relative to the pay of the officers of the Council, was taken from the table.

Mr. Teas offered the following as a substitute, (to come in after the word resolved.)

That the Messenger of this Council be required to perform the duties of Enrolling Clerk, and that whenever the said Messenger shall be employed

as such Clerk, the Sergeant-at-Arms shall in addition to his duty perform the duties of Messenger, the Sergeant-at-Arms agreeing thereto.

A motion was made by Mr. Cox,

To lay the resolution and amendment on the table,

Which was decided in the negative.

The question then being on the adoption of the amendments offered by Mr. Teas, it was decided in the negative. Yeas 5, nays 7.

The yeas and nays being desired by Mr. Teas.

Those who voted in the affirmative were,

Messrs. Christie, Harris, Jenkins, R. M. G. Patterson and Teas.

Those who voted in the negative were,

Messrs. Cox, Gehon, Leffler, Wm. Patterson, Springer, Wallace and Elbert, President.

The question then recurring on the original resolution.

A motion was made by Mr. Leffler,

To amend said resolution by striking out the word "three" and inserting the word "two."

Which was agreed to.

The question then being on the adoption of the resolution as amended, it was decided in the affirmative.

On motion of Mr. Cox,

The Council adjourned until the 2d day of January, 1843, agreeable to the resolution previously passed.

MONDAY MORNING, JANUARY 2, 1843.

The President informed the Council, that Mr. Fales the Secretary was absent, and in consequence thereof, the Council could not proceed to business.

On motion of Mr. Springer,

Ordered, That Charles Madera be appointed Secretary *pro tem*.

On motion of Mr. Springer,

Resolved, That the Superintendent of Public Buildings at Iowa City, be requested to furnish the Council with a detailed estimate of the amount necessary to complete the Capitol.

On motion of Mr. Jenkins,

That the Council adjourn until to-morrow morning 10 o'clock.

TUESDAY MORNING, JANUARY 3, 1843.

Mr. Gehon presented the petition of sundry citizens of Dubuque and Jackson counties, praying for the establishment of a Territorial road, commencing at Cascade and running to or near the mouth of the Tete de Moats Creek.

On motion of Mr. Cox,

Ordered, That the petition be referred to the committee on roads.

Mr. Teas presented the petition of Samuel Walker and others, citizens of Jefferson county, praying for the relocation of a part of the Territorial road, running from Fort Madison in Lee county, to Fairfield in Jefferson county, which lies between the house of James Gallaher, and the house of David C. Brown.

On motion of Mr. Teas,

Ordered, That the petition be referred to the committee on roads.

Mr. Cook presented the petition of sundry citizens of Cedar and Linn counties, praying for a review of a part of the Territorial road, running from Bloomington in Muscatine county, via Tipton in Cedar county, to Marion in Linn county, commencing at Clear-creek in Cedar county, to William Abbe's in Franklin township, Linn county.

On motion of Mr. Cook,

Ordered, That the petition be referred to the committee on roads.

Mr. Teas from the joint committee on the revision of the laws, reported
No. 14, C. F. A bill to provide for changing the venue in civil and criminal cases.

No. 15, C. F. A bill defining the duties of County Surveyors.

No. 16, C. F. A bill regulating interest on money.

No. 17, C. F. A bill relative to divorce, alimony and other purposes.

No. 18, C. F. A bill for the limitation of actions and for avoiding vexatious law suits.

No. 19, C. F. A bill to authorize evidence by the oath of parties.

Which were severally read a first time.

On motion of Mr. Springer,

Ordered, That No. 14, C. F. A bill to provide for changing the venue in civil and criminal cases, be read a second time now,

The bill was read a second time and laid on the table.

Mr. Springer from the committee on the Judiciary, reported

No. 20, C. F. A bill to change the time of holding the District Court in the Second Judicial District.

Which was read a first time.

On motion of Mr. Springer,

Ordered, That said bill be read a second time now,
The bill was read a second time.

On motion of Mr. Cook,

Ordered, That said bill do lie upon the table until to-morrow.

Mr. Cook from the committee on enrolled bills, reported a memorial to Congress asking for a Survey of the Indian boundary line, as correctly enrolled.

Mr. Springer from the committee on the Judiciary, reported
No. 21, C. F. A bill relating to the office of Recorder of Deeds,

Which was read a first time.

Mr. Cook from the committee on engrossed bills, reported
No. 11, C. F. A bill to locate a Territorial road from Bennet's mill in Buchanan county via the county seat of Delaware, to Olmstead's mill in said county, as correctly engrossed.

A motion was made by Mr. Cox,

To refer the report of the Territorial Agent to a committee of three to ascertain if the same was correctly printed.

Which was agreed to.

Messrs. Springer, Cox and Cook, were appointed said committee.

Mr. Cook moved to take from the table, No. 20, H. R. F. A bill to change the name of Philip Roelure.

Which was agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

A message from the House of Representatives by Mr. Wallace their Chief Clerk

MR. PRESIDENT:—I am directed to inform the Council, that the House have passed.

No. 19, H. R. F. A bill to relocate a part of a Territorial road in Henry county. Also,

No. 24, H. R. F. Joint resolution authorizing the committee appointed to report a bill fixing the prices of printing, &c., to administer oaths and examine witnesses.

In which the concurrence of the Council is requested.

I am also directed to present for your signature, an act granting to A. Scott Brownlee and others, the right to construct a mill race.

An act, to legalize the acts of the County Commissioners of Des Moines county, in certain cases. Also,

An act to authorize the Board of Commissioners of Van Buren county to establish a certain road.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 19, H. R. F. A bill to relocate a part of a Territorial road in Henry county.

No. 24, H. R. F. Joint resolution authorizing the committee appointed to

report a bill fixing the prices of printing &c., to administer oaths and examine witnesses.

Were severally read a first time.

On motion of Mr. Springer,

That No. 24, H. R. F., be read a second time now,

The resolution was then read a second time.

On motion of Mr. Springer,

Ordered, That the 13th Rule be suspended and the resolution read a third time now,

The resolution was read a third time and passed.

Ordered, That the Secretary notify the House of the same.

On motion of Mr. Cox,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, JANUARY 4, 1843.

Mr. Christie presented the petition of sundry citizens of Scott county, praying that a charter may be granted to William Benham, and David B. Sears to keep a Ferry across the Mississippi River, from fractional section thirty two, in township seventy-eight, north of range four, east, with the exclusive privilege for the distance of one mile above, and one mile below said fractional section.

On motion of Mr. Christie,

Ordered, That said petition be referred to a select committee.

Messrs. Christie, Gehon and Cook, were appointed said committee.

Mr. Leffler presented the petition of sundry citizens of Des Moines county, praying the repeal of an act concerning weights and measures, approved January 4th, 1839, and that an act may be passed authorizing the Board of Commissioners in each county to appoint suitable persons as Inspectors of weights and measures.

On motion of Mr. Leffler,

Ordered, That said petition be referred to the committee on Territorial Affairs.

On motion of Mr. Teas,

Resolved, That the committee on Schools, be instructed to inquire into the expediency of applying all sums of money to which this Territory may be entitled, under the provisions of the act of Congress, approved 4th Sept., 1841, entitled an act to appropriate the proceeds of the sales of the public lands, &c. as a fund for common school purposes, and that said committee report by bill or otherwise, as soon as practicable.

Mr. Teas offered the following:

Resolved, That the committee on Schools, be instructed to enquire into the expediency of appropriating all fines and penalties, accruing under the penal and criminal laws of this Territory, as a school fund to be applied to the purposes of a common school education, and that said committee report by bill or otherwise.

On motion of Mr. Cook,

Ordered, That said resolution do lie upon the table.

Mr. Wm. Patterson presented the account of Mr. D. Holt, for furniture for the Legislative Assembly, amounting to thirty one dollars and eighty-seven and a half cents.

On motion of Mr. Wm. Patterson,

Ordered, That said account be referred to the committee on claims.

Mr. Harris from the committee on roads, reported

No. 22, C. F. A bill to locate a Territorial road from Cascade in Du-
buque county, to the mouth of Tete des Morts in Jackson county. Also,

No. 23, C. F. A bill to relocate a part of the Territorial road running
from Fort Madison in Lee county, to Fairfield in Jefferson county,

Which were severally read a first time.

Mr. Springer from the select committee appointed to examine the print-
ing of the report of the Territorial Agent, reported the following:

The errors in the report, the committee are satisfied from the explanation
of Mr. Hughes, are accidental misprints, they would recommend, however,
that hereafter, in printing documents for the use of the Council, proof sheets
should be furnished either to the authors, or to the Secretary of the Council.

The report was agreed to.

No. 14, C. F. A bill to provide for changing the venue in civil and
criminal cases,

Was read a second time.

On motion of Mr. Wm. Patterson,

The Council resolved itself in a committee of the whole, for the consider-
ation of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr.
Wm. Patterson reported, that the committee had, according to order, had
said bill under consideration, and instructed him to report the same with one
amendment, and ask the concurrence of the Council.

The question being taken on the concurrence of the Council, in the
amendment, it was agreed to, yeas 7, nays 6.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were,

Messrs. Christie, Harris, Leffler, R. M. G. Patterson, Springer, Teas and
Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Cook, Gehon, Jenkins, Wm. Patterson and Wallace.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 15, C. F. A bill defining the duties of County Surveyors,

Was read a second time.

An amendment was proposed by Mr. Cook, pending which, it was on motion of Mr. Springer,

Ordered, That said bill be referred to the committee on Territorial Affairs, No 16, C. F. A bill regulating interest on money,

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Wallace reported that the committee had, according to order, had the same under consideration, and instructed him to report the same with one amendment, and asked the concurrence of the Council.

And the question being, will the Council concur in the amendment?

It was decided in the affirmative, yeas 7, nays 5.

The yeas and nays being desired by Mr. Cox,

Those who voted in the affirmative were,

Messrs. Christie, Jenkins, Wm. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Cook, Gehon, Harris and Leffler.

On motion of Mr. Leffler,

Ordered, That said bill be referred to the committee on the Judiciary,

No. 17, C. F. A bill relative to divorce, alimony and other purposes.

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the committee on the Judiciary,

No. 18, C. F. A bill for the limitation of actions and for avoiding vexatious law suits.

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill be referred to the committee on the Judiciary,

No. 19, C. F. A bill to authorize evidence by the oath of parties.

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed without amendment,

No. 7, C. F. A bill to extend further time to the first Universalist Society of Iowa City to complete their house of worship.

I herewith return a memorial to Congress, for a survey of the Indian boundary line, the same being signed by the Speaker of the House.

I also herewith present for your signature, a joint resolution authorizing the committee on printing, to administer oaths, &c.

A joint resolution relative to Iowa manufactures, and

An act to change the name of Philip Roelure.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act and resolutions.

No. 20, C. F. A bill to change the time of holding the District Court in the Second Judicial District.

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on Judiciary.

No. 21, C. F. A bill relating to the office of Recorder of Deeds,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to a committee of the whole Council to-morrow.

No. 19, H. R. F. A bill to relocate a part of a Territorial road in Henry county,

Was read a second time.

On motion of Mr. Wallace,

Ordered, That said bill do lie upon the table.

No. 11, C. F. A act to locate a Territorial road from Bennet's mill in Buchanan county via the county seat of Delaware, to Olmstead's mill in said county,

Was read a third time and passed.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, JANUARY 5, 1843.

Mr. Leffler presented the petition of sundry citizens of Des Moines and Lee counties, praying for a review of the Territorial road, running from Burlington in Des Moines county, to Keokuk in Lee county.

On motion of Mr. Leffler,

Ordered, That the petition be referred to the committee on roads.

Mr. Springer from the committee on the Judiciary, reported

No. 24, C. F., (as a substitute for No. 19, C. F.) A bill to authorize evidence by the oath of parties,

Which was read a first time.

On motion of Mr. Wm. Patterson,

Ordered, That the usual number of copies of said bill be printed.

Mr. Springer from the committee on the Judiciary, reported back with amendments,

No. 17, C. F. A bill relative to divorce, alimony, and other purposes.

On motion of Mr. Leffler,

Ordered, That the usual number of copies of said bill be printed.

Mr. Springer from the committee on the Judiciary, reported back without amendment,

No. 18, C. F. A bill for the limitation of actions, and for avoiding vexatious law suits.

Mr. Cook from the committee on enrolled bills, reported

No. 7, C. F. A bill to extend farther time to the first Universalist Society of Iowa City, to complete their house of worship as correctly enrolled.

No. 21, C. F. A bill relating to the Office of Recorder of Deeds, being the special order of the day, was taken up, and considered in committee of the whole.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cook reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment, and ask the concurrence of the Council.

The question being put will the Council, concur in the amendment, it was decided in the affirmative.

On motion of Mr. Springer,

Ordered, That the said bill be engrossed and read a third time to-morrow.

No. 22, C. F. A bill to locate a Territorial road from Cascade in Dubuque county, to the mouth of Tete des Morts in Jackson county,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 23, C. F. A bill to relocate a part of the Territorial road running from Fort Madison in Lee county, to Fairfield in Jefferson county,

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Cook,

Ordered, That the petition of the Journeymen printers of Iowa City be taken from the table and referred to the select committee on printing.

Mr. Harris offered the following:

Resolved, That all bills hereafter presented for the consideration of the Council, containing three or more sections, shall after the first reading thereof be considered as ordered to be printed unless otherwise directed by the Council.

Mr. Leffler moved to amend said resolution by inserting after the word bills "of a general nature,"

Which was agreed to.

A motion was made by Mr. Springer,

That the resolution be indefinitely postponed,

Which was decided in the negative yeas 6, nays 6.

The yeas and nays being desired by Mr. Patterson,

Those who voted in the affirmative were,

Messrs. Cook, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler and Wm. Patterson.

Mr. Springer moved a call of the Council, which was had, and on the roll being called it appeared that Mr. Christie, was absent.

On motion of Mr. Springer,

A further call of the Council was suspended.

The question being on the adoption of the resolution, it was decided in the negative, yeas 5, nays 7.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Leffler, and Wm. Patterson.

Those who voted in the negative were,

Messrs. Cook, Jenkins, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

On motion of Mr. Gehon,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, JANUARY 6, 1843.

Mr. Springer from the committee on the Judiciary, reported with amendments.

No. 20, C. F. A bill to change the time of holding the District Court in the Second Judicial District.

Which was read a first time.

On motion of Mr. Springer,

Ordered, That said bill be read a second time now,

The bill was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Cook from the committee on engrossed bills, reported

Nos. 21, 22, 23, C. F. as correctly engrossed.

No. 17, C. F. A bill relative to divorce, alimony, and other purposes,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After sometime spent therein, Mr. President resumed the chair, and Mr. Harris, reported that the committee had according to order, had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put will the Council concur in the amendment?

It was agreed to.

On motion of Mr. Wallace,

Ordered, That said bill be engrossed and read a third time to-morrow.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—The House of Representatives have passed,

No. 29, H. R. F. An act regulating the keeping of stallions and jacks and to improve the breed of horses.

No. 28, H. R. F. An act for the encouragement of agriculture and domestic manufactures. Also,

No. 26, H. R. F. A bill in relation to the safe custody of persons arrested for crimes and misdemeanors.

In which the concurrence of the Council is requested.

I herewith return an act to extend further time to the first Universalist Society of Iowa City to complete their house of worship.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said act.

No. 18, C. F. A bill for the limitation of actions and for avoiding vexatious law suits;

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after sometime spent therein, Mr. President resumed the chair, and Mr. Springer, reported that the committee had according to order had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put will the Council concur?

It was agreed to.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 24, C. F. A bill to authorize evidence by the oath of parties,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after sometime spent therein, Mr. President resumed the chair, and Mr. Teas reported that the committee had, according to order had said bill under consideration and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put will the Council concur.

Which was agreed to.

On motion of Mr. Teas,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 21, C. F. An act relating to the Office of Recorder of Deeds.

No. 22, C. F. An act to locate a Territorial road from Cascade, in Du-
buque county, to the mouth of Tete des Morts in Jackson county,

No. 23, C. F. An act to relocate a part of the Territorial road, running
from Fort Madison in Lee county, to Fairfield in Jefferson county,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of the same, and request
their concurrence.

No. 26, H. R. F. A bill in relation to the safe custody of persons arrest-
ed for crimes and misdemeanors.

Was read a first time.

On motion of Mr. Springer,

Ordered, That said bill be read a second time now.

The bill was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 28, H. R. F. A bill for the encouragement of agriculture and domes-
tic manufactures,

Was read a first time.

On motion of Mr. Cook,

Ordered, That said bill be read a second time now.

The bill was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on agriculture.

No. 29, H. R. F. A bill regulating the keeping of stallions and jacks
and to improve the breed of Horses,

Was read a first time.

On motion of Mr. Teas,

Ordered, That said bill be read a second time now,

The bill was read a second time.

A motion was made by Mr. Teas,

To suspend the 13th rule and that the bill be read a third time now, and
the question being put, was decided in the negative.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Leffler gave notice, that on to-morrow or some subsequent day, he
would introduce a bill to divorce John H. Armstrong from Sally Armstrong
his wife.

On motion of Mr. Jenkins,

The Council adjourned until to-morrow morning 10 o'clock.

SATURDAY MORNING, January 7, 1843.

Mr. Springer from the committee on the Judiciary reported with amendments,

No 26, H. R. F. An act relative to the safe custody of persons, arrested for crimes and misdemeanors. Also,

No. 14, C. F. A bill to provide for changing the venue in civil and criminal cases.

Mr. Wallace from the committee on engrossed bills reported as correctly engrossed,

No. 17, C. F. An act relative to divorce, alimony, and other purposes.

Which was read a third time and passed.

Ordered, That the Secretary notify the House of the same and request their concurrence.

No. 14, C. F. A bill to provide for changing venue in civil and criminal cases.

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after some time spent therein, Mr. President resumed the chair, and Mr. Leffler reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put, will the Council concur?

It was decided in the affirmative.

On motion of Mr. Gehon,

Ordered, That said bill be engrossed and read a third time on Tuesday.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed.

No. 10, H. R. F. A bill to relocate the county seat of Lee county,

In which the concurrence of the Council is requested.

The House have also passed without amendment,

No 11, C. F. An act to locate a Territorial road from Bennet's mill in Buchanan county via the county seat of Delaware to Olmstead's mill in said county.

And then he withdrew.

Mr. Wallace from the committee on engrossed bills, reported No. 20, C. F. as correctly engrossed.

No. 26, H. R. F. A bill relative to the safe custody of persons arrested

for crimes and misdemeanors,

Was read a second time.

A motion was made by Mr. Cook,

To strike out the last section of said bill, which reads as follows:

This act shall be in force from and after its passage,

In which the Council concurred.

A motion was made by Mr. Cox,

To strike out the eight section of said bill, which reads as follows:

That the board of Commissioners of any county from which a prisoner may be transferred under the provisions of this act, shall pay the county to which such prisoner may be transferred, the sum of two dollars per month, for each prisoner, during his confinement for the use of the jail of such county.

In which the Council concurred.

On motion of Mr. Wallace,

Ordered, That said bill be read a third time on Tuesday.

No. 20, C. F. An act to change the time of holding the District Court in the Second Judicial District,

Was read a third time and passed.

Ordered, That the Secretary notify the House of the same and request their concurrence.

No. 10, H. R. F. A bill to relocate the county seat of Lee county,

Was read a first time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be read a second time now,

The bill was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to a select committee consisting of the delegations from Lee, Van Buren and Henry counties.

On motion of Mr. Wm. Patterson,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, JANUARY 9, 1843.

Mr. Wm. Patterson presented the petition of sundry citizens of Lee county praying the relocation of the Seat of Justice of said county, by disinterested commissioners, which was on motion of Mr. Wm. Patterson, referred to the select committee heretofore appointed in relation to said county seat.

Mr. Wm. Patterson presented the remonstrance of sundry citizens of Lee county, against the relocation of the Seat of Justice of said county,

Which was referred to the select committee heretofore appointed in relation to said county seat.

Mr. Springer from the committee on the Judiciary, reported

No. 25, C. F. A bill relative to the time of taking effect of the laws of the present Session,

Which was read a first time.

Mr. Wallace from the committee on engrossed bills, reported

Nos. 18 and 24, C. F. as correctly engrossed.

Mr. Jenkins from the committee on Agriculture, reported back with amendments,

No. 28, H. R. F. An act for the encouragement of agriculture and domestic manufactures.

Mr. Cook from the committee on enrolled bills, reported that the committee did on the 5th inst., present to the Governor for his approval, a memorial to Congress, asking for a survey of the Indian boundary line. Also on the 7th inst., an act to extend further time to the first Universalist Society to complete their house of worship.

No. 18, C. F. An act for the limitation of actions, and for avoiding vexatious law suits, and

No. 24, C. F. An act to authorize evidence by the oath of parties,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 28, H. R. F. An act for the encouragement of agriculture and domestic manufactures,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be read a third time on Wednesday next.

The following message was received from the Governor, by the hand of Morgan Reno, his private Secretary.

EXECUTIVE OFFICE, IOWA CITY, }
7th January, 1843. }

To the Council and House of Representatives:

I return to the Council, in which it originated, a joint memorial to Congress on the subject of running and marking the temporary boundary line between that portion of the land ceded to the United States by the late treaty with the Sac and Fox Indians, which they are to occupy for a time, and that portion of it, which they are to surrender the possession on the first day of May next.

The memorial recites, that the Indians are, by the provisions of the treaty, to retain as their home and abiding place for the term of three years, from and after the first day of May next, all that part of the country lately ceded by them to the United States, lying west of a line running due north from the northern boundary of the State of Missouri, and crossing the Des Moines river, at the mouth of the White-breast.

Having acted as the Commissioner of the United States, in negotiating

the treaty referred to, I am enabled to state to the Council and House of Representatives, that they have been misinformed as to the time, during which the Indians have reserved the right to occupy the lands west of the line alluded to, and also as to the point at which that line is to intersect the Des Moines.

The reservation of the right to occupy a part of the ceded country, is for three years from the day the treaty was signed (11th October last) and the point of intersection aforesaid, is eight miles when reduced to a straight line, up the White-breast, from its junction with the Des Moines; and as my approval of the memorial would seem to sanction the misconceptions I have explained, I am constrained to withhold my approbation of it. I would, however, beg leave respectfully to state to the Council and House of Representatives, that the treaty to which their memorial refers, contains a stipulation that the President of the United States shall as soon after the ratification as may be convenient, appoint a commissioner to run and mark the boundary to which the memorial relates.

I have the honor to be very respectfully,

Your ob't. servant,

JOHN CHAMBERS.

The message was read at the clerk's table and informally passed over for the present.

Mr. Cook gave notice, that he would at some future day introduce a bill to amend an act entitled an act, to incorporate the Washington manufacturing company.

On motion of Mr. Cox,

The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, JANUARY 10, 1843.

Mr. Wm. Patterson from the select committee to which was referred No. 10, H. R. F. A bill to relocate the county seat of Lee county, with the petitions and remonstrances in relation thereto, reported, that the committee had carefully examined the petitions and remonstrances, and found that there was a majority of eighty-five petitioners for a relocation, and that nine hundred and two had been sworn to, as legal voters of said county, and one hundred and eighty-one that were not certified, but were thought to be legal voters of said county, making in all one thousand and eighty-three, and in examining the remonstrances found that there were nine hundred and seventy-eight names attached thereto, none of which were certified to.

The committee had some doubts in relation to the legality of all the re-

monstrants, believing as they did, that there were some three hundred names on the remonstrance and petitions over and above the number of legal voters in the county.

The committee therefore believe that there is a majority of legal voters of said county asking for a relocation of said county seat; and as your committee believe in the right of instruction, think it right to grant the prayer of the petitioners, we would therefore recommend the passage of the bill, with the following amendments, to wit:

Strike out the name of David Ferguson and insert that of Isaac N. Selby as one of the commissioners. Also strike out the following proviso to the the 10th section.

Provided, however that nothing in this act shall be so construed as to make it obligatory on the commissioners to make a relocation.

The question was then taken on concurring in the amendments proposed by the committee and was carried in the affirmative.

Mr. Cox offered the following:

Resolved, That the bill now under consideration, be recommitted and that the committee be instructed to report a provision in said bill, to allow the people to vote for the place selected by the locating commissioners and the present county seat of Lee county, and when the vote is taken as afore-said, the place receiving the highest number of legal votes shall be the permanent seat of justice of said county.

And the question being put, will the Council adopt the resolution?

It was decided in the negative yeas 4, nays 9.

The yeas and nays being desired by Mr. Cox,

Those who voted in the affirmative were,
Messrs. Christie, Cox, Gehon, and Leffler.

Those who voted in the negative were,
Messrs. Cook, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

The bill was then on motion of Mr. Springer, ordered to be read a third time to-morrow.

Mr. Cook from the committee on engrossed bills, reported

No. 14, C. F., as correctly engrossed.

No. 25, C. F. A bill relative to the time of taking effect of the acts of the present Session,

Was read a second time.

On motion of Mr. Leffler,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After sometime spent therein, Mr. President resumed the chair, and Mr. Gehon, reported that the committee had according to order, had said bill under consideration, and instructed him to report the same to the Council with an amendment.

The Council concurred in the amendment?

On motion of Mr. Springer,

Ordered, That the bill be engrossed and read a third time to-morrow.

No. 26, H. R. F. A bill in relation to the safe custody of persons arrested for crimes and misdemeanors. And

No. 14, C. F. A bill to provide for the changing of venue in civil and criminal cases.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Cook on leave reported

No. 26, C. F. A bill to amend an act to incorporate the Washington manufacturing company.

Mr. Wallace on leave, reported

No. 27, C. F. A bill to change the name of McCarverstown in Henry county, to Lowell.

Which bills were severally read a first time.

On motion of Mr. Jenkins,

The Council adjourned until to-morrow morning 10 o'clock.

WEDNESDAY MORNING, JANUARY 11, 1843.

Mr. Cook from the committee on engrossed bills, reported

No. 25, C. F., as correctly engrossed.

No. 26, C. F. An act to amend an act to incorporate the Washington manufacturing company,

Was read a second time.

And on motion of Mr. Cook,

Ordered, To be engrossed and read a third time to-morrow.

No. 27, C. F. An act to change the name of McCarverstown in Henry county, to Lowell,

Was read a second time. And

On motion of Mr. Teas,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after sometime spent therein, Mr. President resumed the chair, and Mr. Cox reported that the committee had, according to order had said bill under consideration and instructed him to report the same to the Council with an amendment.

The Council concurred in the amendment.

On motion of Mr. Wallace,

Ordered, That the bill be engrossed and read a third time to-morrow.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed without amendment,

No. 22, C. F. An act to locate a Territorial road from Cascade, in Dubuque county, to the mouth of Tete des Morts in Jackson county. Also,

No. 23, C. F. An act to relocate a part of the Territorial road, running from Fort Madison in Lee county, to Fairfield in Jefferson county,

I herewith return an act to locate a Territorial road from Bennett's mill, in Buchanan county via the county seat of Delaware county, to Olmstead's mill in said county.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said act.

No. 10, H. R. F. A bill to relocate the county seat of Lee county,

Was read a third time.

Mr. Wm. Patterson asked the unanimous consent of the Council to add the following words to the eighth section of the bill, viz: "But nothing in this act shall be so construed as to prevent the commissioners from locating the county seat at Fort Madison."

Consent was granted.

The question then being on the passage of the act; it passed in the affirmative yeas 10, nays 3.

The yeas and nays being desired by Mr. Wm. Patterson,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Leffler.

So the bill passed and the title was agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 28, H. R. F. A bill for the encouragement of agriculture and domestic manufactures.

No. 25, C. F. An act relative to the time of taking effect of the acts of the present Legislative Assembly,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Harris gave notice that he would on some future day, introduce a bill to incorporate the Methodist Episcopal church of Bloomington.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, JANUARY 12, 1843.

Mr. Wm. Patterson from the committee on Territorial Affairs, to which was referred,

No. 15, C. F. A bill defining the duties of County Surveyors, reported the same back to the Council with sundry amendments.

Mr. Leffler, from the committee on the Judiciary to which was referred,

No. 16, C. F. A bill regulating interest on money, reported the same back to the Council, with amendments.

Mr. Teas from the committee on the revision of the laws, reported

No. 28, C. F. A bill subjecting real and personal estate to execution,

Which was read a first time.

On motion of Mr. Leffler,

Ordered, That seventy-five copies of said bill be printed.

Mr. Wallace from the committee on engrossed bills, reported No. 26 and 27, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported

An act to relocate a part of the Territorial road running from Fort Madison in Lee county, to Fairfield in Jefferson county.

A bill to locate a Territorial road from Cascade in Dubuque county, to the mouth of the Tete Des Morts in Jackson county, as correctly enrolled.

Mr. Wallace gave notice that he would at some future day, introduce the following bills, viz:

A bill relative to promissory notes, bonds, due bills, and other instruments of writing.

A bill regulating practice in the District Courts. Also,

A bill to revive and amend an act, to incorporate the town of Mount Pleasant.

No. 15, C. F. A bill defining the duties of county surveyor,

Was read a second time. And

On motion of Mr. Wm. Patterson,

Ordered to be printed,

No. 16, C. F. A bill to regulate interest on money,

Was read a second time. And

On motion of Mr. Teas,

Ordered, To be engrossed and read a third time to-morrow.

No. 26, C. F. An act to amend an act to incorporate the Washington manufacturing company, and

No. 27, C. F. An act to change the name of McCarverstown in Henry county, to Lowell.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House of Representatives have passed,

No. 21, H. R. F. An act to legalize the acts of George Duden a Justice of the Peace.

No. 21, H. R. F. A bill to establish a Territorial road in Lee county, and

No. 35, H. R. F. A bill to relocate a part of a Territorial road leading from Davenport in Scott county, to Marion in Linn county.

In all of which the concurrence of the Council is requested.

And then he withdrew.

The foregoing entitled bills were then read a first time.

A motion was made by Mr. Cook,

That the Council do now adjourn until to-morrow morning at 10 o'clock.

Which was decided in the negative yeas 6, nays 6.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Jenkins, R. M. G. Patterson, Springer and Wallace.

Those who voted in the negative were,

Messrs. Cook, Gehon, Leffler, Wm. Patterson, Teas and Elbert, President. And then

On motion of Mr. Jenkins,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, JANUARY 13, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council that the House of Representatives have passed.

No. 32, H. R. F. A bill to incorporate the Scott county Hydraulic company.

I herewith present for your signature, an act for the encouragement of agriculture and domestic manufactures.

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President signed said act.

Mr. Springer offered the following:

Resolved, That the committee on Territorial affairs, be instructed to enquire into the expediency of memorializing Congress for a donation to the Territory of the sixteenth sections, in the several congressional townships in the Territory for school purposes,

Which was laid on the table until to-morrow.

Mr. Springer gave notice that he would on to-morrow introduce

A bill to legalize the acts of Jacob Mintun, a Justice of the Peace. Also,

A bill to establish a Seminary at Grandview in Louisa county.

Mr. Cook from the committee on engrossed bills, reported

No. 16, C. F., as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported, that they did on the 12th inst. present to the Governor for his approval, an act to locate a Territorial road from Bennett's mill in Buchanan county via the county seat of Delaware county, to Olmstead's mills in said county.

No. 21, H. R. F. An act to legalize the acts of George Duden a Justice of the Peace,

Was read a second time, and

On motion of Mr. Cook,

Referred to the committee on the Judiciary, with instructions to enquire into the legality of the passage of such a bill.

No. 31, H. R. F. An act to establish a Territorial road in Lee county,

Was read a second time, and

On motion of Mr. Wm. Patterson,

Referred to the delegation from Lee county.

No. 35, H. R. F. An act to relocate a part of a Territorial road leading from Davenport to Marion,

Was read a second time, and

On motion of Mr. Cook,

Ordered, To be read a third time to-morrow.

No. 15, C. F. A bill defining the duties of county surveyors,

Was read a second time, and

On motion of Mr. Wm. Patterson,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after sometime spent therein, Mr. President resumed the chair, and Mr. Teas, reported that the committee had according to order had said bill under consideration, and instructed him to report the same with sundry amendments.

The Council concurred.

On motion of Mr. Springer,

The bill was recommitted to the committee on Territorial Affairs.

No. 16, C. F. A bill regulating interest on money,

Was read a third time, and the question being put; shall the bill pass?

It passed in the affirmative, yeas 10, nays 2.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas, Wallace and Elbert President.

Those who voted in the negative were,

Messrs. Cook and Springer.

So the bill passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 32, H. R. F. A bill to incorporate the Scott county Hydraulic company,

Was read a first and second time, and

On motion of Mr. Teas,

Referred to the committee on Incorporations, and Messrs. Cook and Christie were added to said committee.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, January 14, 1843.

Mr. Cook presented the petition of sundry citizens of Linn county, praying that said county may be set off as a separate electoral district, and entitled to one member of the House of Representatives, and that the counties of Cedar and Jones may also be set apart as a separate electoral district, and entitled to one member of the House of Representatives.

Which was referred to the committee on elections and the delegation from Cedar, Jones, and Linn.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council that the House have passed,

No. 22, H. R. F. Memorial for an appropriation for a canal at each of the Rapids of the Mississippi.

No. 42, H. R. F. A bill to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county; and

No. 40, H. R. F. An act to legalize the acts of the Sheriff of Clayton county.

Also with amendments.

No. 17, C. F. A bill relative to divorce, alimony, and other purposes, and

No. 20, C. F. A bill to change the time of holding the District Court in the Second Judicial District.

In all of which the concurrence of the Council is requested.

I herewith return an act to relocate a part of the Territorial road leading from Fort Madison in Lee county, to Fairfield in Jefferson county; and

An act to locate a Territorial road from Cascade, in Dubuque county, to the mouth of the Tete des Morts, in Jackson county.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President signed said acts.

Mr. R. M. G. Patterson from the committee on incorporation, reported back to the Council without amendments,

No. 32, H. R. F. An act to incorporate the Scott county Hydraulic company.

Mr. Wm. Patterson from the committee on Territorial Affairs, reported back to the Council with amendments,

No. 31, H. R. F. An act to establish a Territorial road in Lee county,

Mr. Springer in accordance with notice previously given, introduced

No. 29, C. F. A bill to legalize the acts of Jacob Mintun a Justice of the Peace. Also,

No. 30, C. F. A bill to establish a Seminary of learning at Grandview in Louisa county.

Said bills were read a first time.

Mr. Harris according to previous notice, introduced

No. 31, C. F. A bill to incorporate the Methodist Episcopal church at Bloomington,

Which was read a first and second time, and

On motion of Mr. Harris,

The 13th Rule was suspended for the time being, and the bill read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Council then proceeded to the consideration of the following resolution.

Resolved, That the committee on Territorial affairs, be instructed to enquire into the expediency of memorializing Congress for a donation to the Territory of the sixteenth sections, in the several congressional townships in this Territory for school purposes,

And the question being put; shall the resolution pass?

It passed in the affirmative, yeas 9, nays 4.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Leffler and Teas.

So the resolution passed.

No. 15, C. F. A bill defining the duties of county surveyors,

Was read a second time. And

On motion of Mr. Wallace,

Referred to the committee of the whole Council.

After some time spent therein, Mr. President resumed the Chair, and Mr. Wallace reported that the committee had, according to order, had the same under consideration, and instructed him to report the same to the Council, with amendments.

The amendments were concurred in.

Some slight amendments were made, and the bill ordered to be engrossed for a third reading on Monday next.

No. 31, H. R. F. A bill to establish a Territorial road in Lee county, and

No. 32, H. R. F. A bill to incorporate the Scott county Hydraulic company,

Were severally read a second time, and

Ordered, To be read a third time on Monday next.

No. 35, H. R. F. An act to relocate a part of a Territorial road leading from Davenport in Scott county to Marion, in Linn county,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 17, C. F. An act relative to divorce, alimony and other purposes.

No. 20, C. F. An act to change the time of holding the District court in the Second Judicial District, being returned from the House of Representatives with sundry amendments, were taken up, the amendments severally considered and concurred in.

No. 22, H. R. F. A memorial to Congress for an appropriation for a canal at each of the rapids of the Mississippi.

No. 40, H. R. F. An act to legalize the acts of the Sheriff of Clayton county, and

No. 42, H. R. F. An act to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county,

Were severally read a first time, and

No. 22, H. R. F., was read a second time, and

On motion of Mr. Christie,

Referred to the committee on Territorial Affairs.

On motion of Mr. Harris,

No. 12, C. F. A bill to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque, was taken from the table and read a second time, and ordered to be engrossed and read a third time on Tuesday next.

On motion of Mr. Wallace,

No. 19, H. R. F. A bill to relocate a part of a Territorial road in Henry county, was taken from the table and ordered to be read a third time on Monday next.

The President on leave, offered the following resolutions,

Which were adopted.

Resolved, That the standing committee on Territorial Affairs, be required to enquire into the expediency of attaching for Judicial purposes, so much of the late Sac and Fox purchase as may be occupied in May next; (provided said Treaty is ratified by Congress) and report thereon by bill or otherwise.

Resolved, That the committee on Internal Improvements, be instructed to inquire into the condition and character of the rivers of this Territory, and make report to the Council on the following points, to wit:

1st. Whether said rivers are declared navigable by the laws of the United States.

2d. Whether the Legislature have any powers to legislate on said rivers, in regard to the improving the navigation, and granting charters for Hydraulic purposes, &c., and if in possession of said right to legislate upon, to what extent.

3d. To what extent the different Legislatures have granted charters for dams on said rivers, and the nature of said charters.

4th. To report a bill for the regulation of the navigation and Hydraulic power on said rivers; provided, said committee be of opinion that the Legislature have power to act on said rivers, to the extent above named.

Messrs. Leffler, Springer and Cook,

Were added to the last named committee.

On motion of Mr. Wallace,

The Council adjourned until Monday morning at 10 o'clock:

MONDAY MORNING, JANUARY 16, 1843.

Mr. Wallace from the committee on engrossed bills, reported No. 15, C. F. as correctly engrossed.

Mr. Cook from the committee on enrollments, reported

That said committee had presented to the Governor for his approval on the 16th inst.,

An act to relocate a part of the Territorial road running from Fort Madison in Lee county, to Fairfield in Jefferson county. Also,

An act to locate a Territorial road from Cascade in Dubuque county, to the mouth of the Tete Des Morts in Jackson county.

No. 29, C. F. A bill to legalize the acts of Jacob Mintun, a Justice of the Peace.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 30, C. F. A bill to establish a Seminary of learning at Grandview in Louisa county,

Was read a second time, and

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 40, H. R. F. An act to legalize the acts of the Sheriff of Clayton county.

On motion of Mr. Cox,

Ordered, That said act be read a third time to-morrow.

No. 42, H. R. F. A bill to locate a Territorial road from Moscow so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county,

Was read a second time.

And on motion of Mr. Cox,

Ordered, That said bill be read a third time to-morrow.

No. 22, C. F. A bill subjecting real and personal estate to execution.

Was read a second time.

On motion of Mr. Cook,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cook reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment, and ask the concurrence of the Council.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed without amendment,

No. 2, H. R. F. An act to repeal an act relative to officers of the Legislative Assembly.

No. 44, H. R. F. An act to authorize the county commissioners of Johnson county to vacate a part of the Territorial road leading from Wyoming to Iowa City, also, to relocate a part of said road. Also,

No. 47, H. R. F. An act to allow George Bomgardner and others further time to file in the Secretary's Office a plat of a survey of a certain Territorial road.

In all of which the concurrence of the Council is requested.

And then he withdrew.

No. 19, H. R. F. An act to relocate a part of a Territorial road in Henry county.

No. 31, H. R. F. An act to establish a Territorial road in Lee county.

No. 15, C. F. An act defining the duties of County Surveyors,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives of the same and request their concurrence.

No. 32, H. R. F. An act to incorporate the Scott county Hydraulic company,

Was read a third time.

And the question being put on the passage of the bill,

It was decided in the affirmative yeas 8, nays 5.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Jenkins, R. M. G Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Leffler and Wm. Patterson.

No. 2, H. R. F. An act to repeal an act relative to officers of the Legislative Assembly,

Was read a first and second time.

A motion was made by Mr. Cook,

To suspend the 13th rule and read said bill a third time now,

And the question being put, and two-thirds not voting therefor, the rule was not suspended. It was then

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

No. 44, H. R. F. An act to authorize the county commissioners of Johnson county to vacate a part of the Territorial road, leading from Wyoming to Iowa City, also to relocate a part of said road.

No. 47, H. R. F. An act to allow George Bomgardner and others further time to file in the Secretary's Office a plat of Survey of a certain Territorial road,

Were severally read a first time.

The President laid before the Council a communication from the Superintendent of Public Buildings. Which was read

A motion was made by Mr. Wallace,

That one thousand copies of the same be printed.

And the question being put,

It was decided in the affirmative yeas 8, nays 5.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Christie, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Wallace.

Those who voted in the negative were,

Messrs. Cox, Cook, Springer, Teas, and Elbert, President.

Mr. Wallace on leave, introduced

No. 32, C. F. Joint resolution asking an appropriation to defray the expenses of a treaty with the Pottawatomy Indians.

Was read a first time.

On motion of Mr. Cook,

The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, JANUARY 17, 1843.

Mr. Wallace from the committee on engrossed bills, reported No. 12, and 30, C. F. as correctly engrossed.

Mr. Springer from the committee on the Judiciary, to which was referred,

A bill to legalize the acts of George Duden, a Justice of the Peace, and, also,

A bill to legalize the acts of Jacob Mintun, a Justice of the Peace, with instructions to inquire into the legality of the passage of such acts, reported the same back to the Council, and recommend their passage.

Mr. Cook from the committee on enrolled bills, reported

No. 17, C. F. as correctly enrolled. And, also,

That they had, on the 16th inst. presented to the Governor, for his approval the following act:

An act to change the time of holding the District Court, in the second Judicial District.

Mr. Springer, from the committee on the Judiciary, reported

No. 33, C. F. A Bill concerning Mortgages,

Which was read a first time.

On motion of Mr. Springer,

Ordered, That the usual number of copies of said bill be printed.

Mr. Harris from the committee on Roads, reported,

No. 34. C. F. A bill to re-locate the Territorial Road, leading from Burlington in Des Moines county, to Keokuck, in Lee county,

Which was read a first time.

Mr Teas, from the committee on Revision, reported,

No. 35, C. F. A bill defining the Jurisdiction of the Supreme and District Courts. Also,

No. 36, C. F. A bill to allow and regulate the action of Ejectment,

Which were severally read a first time.

On motion of Mr. Springer,

Ordered, That the usual number of copies of said bills be printed.

No. 44, H. R. F. An act to authorize the county commissioners of Johnson county, to vacate a part of the Territorial road leading from Wyoming to Iowa City, also to re-locate a part of said road.

No. 47, H. R. F. An act to allow George Bomgardner and others further time to file in the Secretary's office a plat of a survey of a certain Territorial road.

Were severally read a second time.

On motion of Mr. Harris,
Ordered, That said bills be read a third time to-morrow.

No. 32, C. F. Joint Resolution, asking an appropriation to defray the expenses of a treaty with the Pottowatamy Indians,

Was read a second time.

A motion was made by Mr. Cox,

To amend said Resolution by inserting the words "Chippewa and Ottawa,"

Which was agreed to.

On motion of Mr. Teas,

Ordered, That said Joint Resolution be engrossed and read a third time to-morrow.

No. 29, C. F. A bill, to legalize the acts of Jacob Mintum, a Justice of the Peace.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 21, H. R. F. An act to legalize the acts of George Duden a Justice of the Peace.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be read a third time to-morrow.

No. 2, H. R. F. An act to repeal an act relative to officers of the Legislative Assembly.

Was read a third time.

Mr. Cook, by unanimous consent obtained leave to amend said bill, by adding, "Sec. 2, This act to take effect from and after its passage."

The question then being put, Shall the bill pass?

It was decided in the affirmative.

No. 40, H. R. F. An act to legalize the acts of the Sheriff of Clayton county.

No. 42, H. R. F. An act to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county.

No. 12, C. F. An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque.

No. 30, An act to establish a Seminary of Learning at Grandview in Louisa county.

Were all read a third time and passed.

Ordered, That the Secretary notify the House of Representatives of the same and request their concurrence.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House of Representatives have passed without amendment,

No. 27, C. F. An act to change the name of McCarverstown in Henry county, to Lowell. Also,

No. 30, H. R. F. A bill to amend an act to Incorporate the city of Dubuque, In which the concurrence of the Council is requested.

And then he withdrew.

No. 30, H. R. F. A bill to amend an act to incorporate the city of Dubuque, Was read a first time.

The President announced a communication from the Governor, on Executive business,

On motion of Mr. Springer,

The Council resolved itself into an Executive session; and after a short time, the doors were opened, and

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, JANUARY 18, 1843.

Mr Harris presented the petition of sundry citizens of Muscatine county, praying the Legislature to grant them an act of Incorporation, by the name and style of the Muscatine, Farmer's and Mechanics' Exchange Company,

On motion of Mr. Harris,

Ordered, That said petition be referred to the committee on Incorporations.

Mr. Wm Patterson presented the petition of Lusena Scott, praying to be divorced from her husband, Rothens Howard Scott.

Mr. R. M. G. Patterson presented the petition of Mary Ann Smiley praying to be divorced from her husband, Reuben Smiley.

On motion of Mr. Wm. Patterson,

Ordered, That the said petitions be referred to a select committee.

Messrs. Wm. Patterson, R. M. G. Patterson, and Wallace, were appointed said committee.

Mr. Springer, presented the petition of sundry citizens of Washington county, praying the passage of an act requiring the observance of the sabbath.

On motion of Mr. Springer,

Ordered, That said petition do lie upon the table, subject to the order of the Council.

On motion of Mr. Cox,

Resolved, That the committee on Territorial Affairs, be instructed to inquire into the expediency of so organizing new counties, in the late purchase from the Sac and Fox Indians of this Territory, so that the new counties, may elect Justices of the Peace, Constables, &c., and be attached to the ad-

joining counties for other judicial purposes, and that said new counties, be laid off and governed by the west boundaries of the old counties, and by a line running from the north west corner of the counties west of the Indian boundary line, &c., and that the committee report by bill or otherwise.

Mr. Christie, from the select committee appointed for that purpose reported, No. 37, C. F. A bill to authorize Wm. Benham and David B. Sears, to keep a Ferry.

Which was read a first time.

Mr. Wallace from the committee on engrossed bills, reported No. 29, and 32, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported

An act to change the name of McCarverstown in Henry county, to Lowell.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House of Representatives have passed,

No. 50, H. R. F. A bill to relocate a certain Territorial Road.

No. 51, H. R. F. A bill for the relief of Denton J. Snyder.

Also with amendments.

No. 21, C. F. An act relating to the office of Recorder of Deeds.

In which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 5, C. F. An act to prohibit and punish the sale of intoxicating liquors to Indians. Also,

No. 6, C. F. A bill to repeal an act entitled an act relating to Auctioneers and Auction Sales, approved January 17, 1840.

I herewith present for your signature,

An act to relocate a part of the Territorial road leading from Davenport in Scott county to Marion, in Linn county; and

An act in relation to the safe custody of persons for crimes and misdemeanors.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President signed the above entitled acts.

No. 30, H. R. F. A bill to amend an act to incorporate the city of Dubuque,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be read a third time to-morrow.

No. 34, C. F. A bill to re-locate the Territorial Road, leading from Burlington, in Des Moines county, to Keokuck, in Lee county,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the delegations from Lee and Des Moines counties.

No. 21, H. R. F. An act to legalize the acts of George Duden a Justice of the Peace,

Was read a third time,

And the question being put, shall the bill, pass?

It was decided in the affirmative yeas 10, nays 2.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Harris, Jenkins, R. M. G. Patterson, Leffler, Wm. Patterson, Springer, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cook, and Teas.

No. 29, C. F. A bill to legalize the acts of Jacob Mintun a Justice of the Peace.

Was read a third time.

And the question being put, shall the bill pass?

It was decided in the affirmative yeas 10, nays 2.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson Springer, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cook, and Teas.

No. 44, H. R. F. An act to authorize the county commissioners of Johnson county, to vacate a part of the Territorial road leading from Wyoming to Iowa City, also to re-locate a part of said road.

No. 47, H. R. F. An act to allow George Bomgardner and others further time to file in the Secretary's office a plat of a survey of a certain Territorial road.

No. 32, C. F. Joint Resolution, asking an appropriation to defray the expenses of a treaty with the Pottowatamies, Chippewa and Ottawa Indians.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 21, C. F. An act relating to the office of Recorder of Deeds,

As amended by the House was taken up. And,

On motion of Mr. Springer,

The Council concurred in the amendments.

No. 50, H. R. F. A bill to re-locate a certain Territorial road.

No. 51, H. R. F. A bill for the relief of Denton J. Snyder.

Were severally read a first time.

On motion of Mr. Cox,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, JANUARY 19, 1843.

Mr. Leffler from the select committee appointed for that purpose reported
No. 38, C. F. A bill regulating weights and measures,
Which was read a first and second time.

On motion of Mr. Springer,

Ordered, That the usual number of copies of said bill be printed.

Mr. Springer, from the committee on the Judiciary, to whom was referred,

No. 22, C. F. A bill subjecting real and personal estate to execution,
Reported the same back with amendments.

Mr. Cook from the committee on enrolled bills, reported
No. 5, 6 and 21, C. F. as correctly enrolled.

No. 37, C. F. A bill to authorize Wm. Benham and David B. Sears to
keep a Ferry,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 50, H. R. F. A bill to relocate a certain Territorial road,

Was read a second time, and

On motion of Mr. Wallace,

Ordered, That said bill be read a third time to-morrow.

No. 51, H. R. F. A bill for the relief of Denton J. Snyder,

Was read a second time.

On motion of Mr. Harris,

Ordered, That said bill be read a third time to-morrow.

No. 33, C. F. A Bill concerning Mortgages,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after sometime spent therein, Mr. President resumed the chair, and Mr. Wm. Patterson reported that the committee had, according to order had said bill under consideration and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put, will the Council concur in the amendments?

It was agreed to.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 35, C. F. A bill defining the Jurisdiction of the Supreme and District Courts.

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cook reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment, and ask the concurrence of the Council.

The question being put will the Council concur in the amendments?

It was agreed to.

On motion of Mr. Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 36, C. F. A bill to allow and regulate the action of Ejectment,

Was read a second time. And

On motion of Mr. Teas,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after some time spent therein, Mr. President resumed the chair, and Mr. Harris reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put, will the Council concur in the amendments?

It was agreed to.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 22, C. F. A bill subjecting real and personal estate to execution.

Was read a second time as amended by the committee on the Judiciary.

The question being put, will the Council concur in the amendments made by the committee on the Judiciary?

It was agreed to.

A motion was made by Mr. Cox,

To again refer said bill to the committee on the Judiciary, with instructions to incorporate the following amendment, "provided that any person may hold or own 300 head of sheep, only subject to all laws and executions, contracted subsequent to the passage to this act.

A motion was made by Mr. Cook,

To amend said instructions by striking out 300 and inserting 100.

Mr. Springer called for a division of the question, first on striking out 300.

And the question being put, on striking out 300.

It was decided in the affirmative. Yeas 10 nays 2.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, and Springer.

A motion was made by Mr. Springer,

To fill the blank by inserting two hundred.

Which was decided in the negative.

A motion was made by Mr. Harris,

To insert one hundred and fifty,

Which was decided in the negative, yeas 3, nays 9.

The yeas and nays being desired,

Those who voted in the affirmative were
Messrs. Cox, Harris and Springer.

Those who voted in the negative, were

Messrs. Christie, Cook, Gehon, Jenkins, Leffler, Wm. Patterson, R. M.
G. Patterson, Teas and Elbert President.

A motion was made by Mr. Cook,

To insert 100

Which was decided in the affirmative, yeas 7 nays 5.

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs. Cook, Gehon, Harris, Jenkins, Springer, Teas and Elbert President.

Those who voted in the negative were,

Messrs. Christie, Cox, Leffler, Wm. Patterson, and R. M. G. Patterson.

So the bill was recommitted with instructions to amend so that 100 sheep
should be exempt from execution on contracts made after the taking effect
of the above entitled act.

A message from the House of Representatives by Mr. Wallace, their
Chief Clerk.

Mr. PRESIDENT:—I am directed to present for your signature,

An act to establish a Territorial road in Lee county.

An act to allow George Bomgardner and others further time to file in the
Secretary's Office a plat of a survey of a certain Territorial road.

An act to legalize the acts of the Sheriff, of Clayton county.

An act to locate a part of a Territorial road, in Henry county.

An act to incorporate the Scott county Hydraulic company.

An act to locate a Territorial road from Moscow, so as to intersect a road
leading from Bloomington to Iowa City, at or near Hudson in Muscatine
county, and

An act to repeal an act relative to officers of the Legislative Assembly.

I also herewith return,

An act to change the name of the town of McCarverstown in Henry
county to Lowell.

An act relative to divorce, alimony, and other purposes,

All of which have been signed by the Speaker of the House of Repre-
sentatives.

And then he withdrew.

The President then signed the above entitled acts.

A message from the House of Representatives by Mr. Wallace their
Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council, that the House have passed,

No. 38, H. R. F. A joint resolution requesting our Delegate in Congress to procure the establishment of a Post Office and for other purposes.

No. 53, H. R. F. A bill to relocate a part of a Territorial road in Henry county.

The House have also passed a substitute for

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment of the organic law.

In all of which the concurrence of the Council is requested.

And then he withdrew.

No. 30, H. R. F. An act to amend an act to incorporate the city of Dubuque,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law, as amended by the House was taken up.

A motion was made by Mr. Springer,

That the Council do not agree to the amendments made by the House to said bill.

And the question being put,

It was decided in the affirmative, yeas 8, nays 4.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Harris, Wm. Patterson, R. M. G. Patterson, Springer, Teas, and Elbert President.

Those who voted in the negative, were

Messrs. Cox, Gehon, Jenkins and Leffler.

No. 38, H. R. F. A joint resolution requesting our Delegate in Congress to procure the establishment of a Post Office and for other purposes,

No. 53, H. R. F. A bill to relocate a part of a certain Territorial road in Henry county,

Were severally read a first time.

Mr. Harris on leave being granted, presented the petition of John Hawkins, praying for the relief for the widow of James M. Hawkins deceased, former Postmaster at Iowa City.

On motion of Mr. Harris,

Ordered, That said petition be referred to the committee on claims.

On motion of Mr. Springer,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, JANUARY 20, 1843.

Mr. Wallace, from the committee on the Revision of the laws, reported,
No. 39, C. F. A bill concerning Costs and Fees,

Which was read a first time.

On motion of Mr. Wallace,

Ordered, That the usual number of copies of said bill be printed.

Mr. Wallace from the committee on engrossed bills, reported

No. 33, and 37, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported

That they did, on the 19th inst. present to the Governor, for his approval,

An act to change the name of McCarverstown in Henry county, to Lowell. Also,

An act relative to Divorce, Alimony, and other purposes.

On motion of Mr. Leffler,

Ordered, That Mr. Cook be added, as chairman, to the committee to which was referred,

A bill regulating the keeping of Stallions and Jacks, and to improve the breed of horses, with instructions to report to-morrow morning.

Mr. Wm. Patterson, from the committee on Territorial Affairs, reported back, without amendment,

No. 22, H. R. F. Memorial for an appropriation for a canal at each of the Rapids of the Mississippi.

Mr. Christie from the committee on the Revision of the Laws, reported,

No. 40, C. F. A bill to regulate Ferries.

Which was read a first time.

Mr. Leffler, on leave being granted, introduced

No. 41, C. F. A bill supplementary to an act entitled an act to regulate Mills and Millers, and for other purposes, approved, January 25, 1839.

Which was read a first time.

Mr. Springer from the committee on the Judiciary, to which was referred,

No. 22, C. F. A bill subjecting real and personal estate to execution, reported the same back with amendments.

Mr. Springer from the committee on the Judiciary, reported

No. 42, C. F. A bill to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,

Which was read a first time.

On motion of Mr. Wm. Patterson,

Ordered, That the usual number of copies of said bill be printed.

No. 38, H. R. F. A Joint Resolution, requesting our Delegate in Congress to procure the establishment of a Post Office, and for other purposes,
Was read a second time.

On motion of Mr. Wm. Patterson,
Ordered, That said resolution be read a third time to-morrow.
No. 38, C. F. A bill regulating Weights and Measures,

Was read a second time.

On motion of Mr. Leffler,
The Council resolved itself into committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Springer, reported that the committee had, according to order, had the same under consideration, and instructed him to report the same, with sundry amendments, and ask the concurrence of the Council,

And the question being put; Will the Council concur in the amendments?
It was decided in the affirmative.

On motion of Mr. Leffler,
Ordered, That said bill be engrossed and read a third time on Tuesday next.

No. 53, H. R. F. A bill to re-locate a part of a Territorial road in Henry county.

Was read a second time.

On motion of Mr. Cook,
Ordered, To be read a third time on to-morrow.

No. 22, C. F. A bill subjecting real and personal estate to execution as amended by the committee on the Judiciary, was taken up.

A motion was made by Mr. Springer,

That the Council concur in the amendments pending which

Mr. Springer moved a call of the Council, which was had, and on the roll being called, all the members answered to their names except Mr. Wallace.

The Sergeant-at-arms was directed to require the attendance of the absentee, after a short time,

On motion of Mr. Leffler,

Ordered, That said bill be laid on the table until to-morrow.

No. 50, H. R. F. An act to relocate a certain Territorial road.

No. 51, H. R. F. An act for the relief of Denton J. Snyder.

No. 37, C. F. An act to authorize Wm. Benham, and David B. Sears to keep a Ferry.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The President, announced a communication from the Governor on Executive business.

On motion of Mr. Leffler,

Ordered, That the Council resolve itself into an Executive session.

After some time spent therein the Executive session rose.

No. 41, C. F. A bill supplementary to an act entitled an act to regulate Mills and Millers, and for other purposes, approved, January 25th 1839,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to the committee on the Judiciary.

On motion of Mr. Gehon,

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, January 21, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House have passed,

No. 12, C. F. An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque.

No. 29, C. F. An act to legalize the acts of Jacob Mintun, a Justice of the Peace.

No. 30, An act to establish a Seminary of Learning at Grandview in Louisa county.

No. 32, C. F. Joint resolution asking an appropriation to defray the expenses of a treaty with the Pottawatomie, Chippewa and Ottawa Indians.

Also,

No. 46, H. R. F. A bill for the prevention of certain immoral practices, In which the concurrence of the Council is requested.

I herewith return,

An act to prohibit and punish the sale of intoxicating liquors to Indians,

An act relating to the office of Recorder of Deeds, and,

An act to repeal an act entitled an act relating to auctioneers and auction sales, approved January 17th 1840.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Cook presented the petition of sundry citizens of Linn county, praying for the passage of an act for the observance of the sabbath.

On motion of Mr. Cook,

Ordered, That said petition do lie upon the table.

Mr. R. M. G. Patterson, from the committee on incorporations, reported,

No. 43, C. F. A bill to incorporate the Muscatine Farmers' and Mechanics' Exchange company,

Which was read a first time.

Mr. Leffler from the committee on the Judiciary, reported back
No. 41, C. F. A bill regulating Mills and Millers, and for other purposes,
with amendments

Mr. Cook from the committee to which was referred,
No. 29, H. R. F. A bill regulating the keeping of Stallions and Jacks,
and to improve the breed of horses, reported the same back without amend-
ment.

Mr. Leffler, from the select committee appointed for that purpose, reported
No. 44, C. F. A bill to relocate a Territorial road leading from Burling-
ton in Des Moines county, via Fort Madison in Lee county, to the bridge on
Devil's creek, in said county.

Which was read a first time.

Mr. Wallace, from the committee on the Revision of the laws, reported,
No. 47, C. F. A bill relative to Promissory Notes, Bonds, Duebills and
other instruments of writing,

Which was read a first time.

No. 22, C. F. A bill subjecting real and personal estate to execution,
being on its second reading,

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consid-
eration of said bill,

After some time spent therein, Mr. President resumed the chair, and
Mr. Teas reported that the committee had, according to order had said bill
under consideration and instructed him to report the same with sundry
amendments, and ask the concurrence of the Council.

And the question being on concurring in the following amendment,

That in addition to the property exempt from execution and attachment,
in the preceding section, it shall be lawful for the defendant to claim as ex-
empt from process founded upon contracts hereafter made, fifty head of sheep
and the wool that may be shorn therefrom,

It was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Gehon, Jenkins, R. M. G. Patterson, Teas Wal-
lace, and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Harris, Leffler, Wm. Patterson, and Springer.

A motion was made by Mr. Cox,

To refer the bill to a select committee of one from each electoral district,

Which was decided in the negative.

A motion was made by Mr. Cook,

To amend the 14th section of said bill as follows,

Provided, such stay shall not be allowed on judgments upon contracts al-
ready made.

And the question being put,

It was decided in the negative, yeas 6, nays 7.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were
Messrs. Cook, Gehon, Jenkins, Leffler, Wm. Patterson, and Wallace.

Those who voted in the negative, were
Messrs. Christie, Cox, Harris, R. M. G. Patterson, Springer, Teas and Elbert President.

A motion was made by Mr. Wallace,
That the Council adjourn until 2 o'clock.

Which was decided in the negative, yeas 6 nays 7.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,
Messrs. Christie, Cook, Jenkins R. M. G. Patterson, Wallace and Elbert President.

Those who voted in the negative, were
Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson, Springer, and Teas.

A motion was made by Mr. Cook,
That said bill do lie upon the table.

Which was decided in the negative, yeas 4, nays 9.

The yeas and nays being desired,

Those who voted in the affirmative were,
Messrs. Cook, Jenkins, Wallace and Elbert President.

Those who voted in the negative were,
Messrs. Christie, Cox, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, and Teas.

A motion was made by Mr. Leffler,
To strike out the 6th section of said bill.

The President decided the motion of Mr. Leffler, out of order.

A motion was made by Mr. Cox,
To engross said bill for a third reading on Wednesday,

Which was decided in the affirmative. Yeas 10 nays 3.

The yeas and nays being desired,

Those who voted in the affirmative were,
Messrs. Christie, Cox, Gehon, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

Those who voted in the negative were,
Messrs. Cook, Leffler, and Wallace.

A motion was made by Mr. Wallace,
That the Council adjourn until 2 o'clock, P. M.

A motion was made by Mr. Springer,

To amend the motion

That the Council adjourn until Monday morning at 10 o'clock.

Which was decided in the negative, yeas 6, nays 7.

The yeas and nays being desired,

Those who voted in the affirmative were,
Messrs. Cox, Gehon, Harris, R. M. G. Patterson, Springer, and Wallace.

Those who voted in the negative were,
Messrs. Christie, Cook, Jenkins, Leffler, Wm. Patterson, Teas and Elbert, President.

The question then recurring on the motion to adjourn until 2 o'clock P. M.

Was decided in the affirmative yeas 9, nays 4.

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

Those who voted in the negative, were

Messrs. Cox, Gehon, Harris and Wallace.

2 O'CLOCK, P. M.

Mr. Springer asked leave of absence for Mr. Harris,

Leave was granted.

No. 22, H. R. F. A memorial to Congress for an appropriation for a canal at each of the rapids of the Mississippi.

Was read a second time.

On motion of Mr. Wallace,

The Council resolved itself into a committee of the whole, for the consideration of said bill, after some time spent therein, Mr. President resumed the chair, and Mr. Leffler reported, that the committee had, according to order, had said memorial under consideration, and instructed him to report the same without amendments,

The Council concurred in the report of the committee.

On motion of Mr. Wallace,

Ordered, That said memorial be read a third time on Monday next.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House of Representatives have passed,

No. 58, H. R. F. A bill to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi river, at the town of Wyoming.

No. 59, H. R. F. A bill to amend an act for the incorporation of the town of Farmington.

No. 60, H. R. F. A bill to legalize the location of a certain Territorial road,

In which the concurrence of the Council is requested.

I am also directed to inform the Council that the House insist upon all their amendments to

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law.

I herewith present for your signature,

An act to authorize the county commissioners of Johnson county to vacate a part of the Territorial road, leading from Wyoming to Iowa City, also to relocate a part of said road, and

An act to legalize the acts of George Duden a Justice of the Peace.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 40, C. F. A bill regulating Ferries,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Gehon reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

The question being put will the Council concur in the amendments?

It was agreed to.

A motion was made by Mr. Gehon,

To amend said bill by striking out the words "two miles" and inserting the words "half mile," in the 12th section, pending which,

On motion of Mr. Cox,

Ordered, That said bill do lie upon the table.

No. 29, H. R. F. A bill to regulate the keeping of stallions and jacks and to improve the breed of horses,

Which was read a first time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on Internal Improvements.

No. 41, C. F. A bill regulating mills and millers and for other purposes,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 38, H. R. F. A joint resolution requesting our Delegate in Congress to procure the establishment of a Post Office and for other purposes.

No. 53, H. R. F. A bill to relocate a part of a Territorial road in Henry county.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 46, H. R. F. A bill for the prevention of certain immoral practices,

Was read a first time.

On motion of Mr. Springer,

Ordered, That a committee of conference be appointed to confer with a similar committee to be appointed on the part of the House of Representatives, on the subject of the disagreement between the two Houses on the amendments made by the House to

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law,

Messrs. Springer, Leffler and Wm. Patterson were appointed said committee.

No. 58, H. R. F. A bill to authorize Henry De Camp and Sam'l. H. Col-

yer to keep a ferry across the Mississippi river, at the town of Wyoming.

No. 59, H. R. F. A bill to amend an act entitled an act for the incorporation of the town of Farmington.

No. 60, H. R. F. A bill to legalize a location of a certain Territorial road.

Were severally read a first time.

The President laid before the Council a communication from the Governor, on Executive business,

On motion of Mr. Teas,

Ordered, That the Council resolve itself into Executive Session.

After a short time the Executive Session rose.

Mr. Cook gave notice, that he would on some future day, introduce

A bill to legalize a certain Territorial road.

Mr. Cook presented the account of John Powell for moving furniture, &c.

On motion of Mr. Cook,

Ordered, That said account be referred to the committee on claims.

No. 44, C. F. A bill to relocate the Territorial road leading from Burlington in Des Moines county via Fort Madison in Lee county, to the bridge on Sugar Creek in said county,

Was read a second time.

On motion of Mr. Leffler,

The 13th rule was suspended, and the bill read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

On motion of Mr. Leffler,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, JANUARY 23, 1843.

Mr. Teas presented the petition of sundry citizens of Jefferson and Van Buren counties, praying for the passage of a law for the observance of the Sabbath.

On motion of Mr. Teas,

Ordered, That said petition do lie upon the table.

Mr. Teas presented the petition of sundry citizens of Jefferson county, praying for the relocation of a part of the Territorial road leading from Mount Pleasant in Henry county to Fairfield in Jefferson county, which lies between Rome and Glasgow, also

A remonstrance against the relocation of said road.

On motion of Mr. Teas,

Ordered, That the petition and remonstrance be referred to the committee on Roads.

Mr. Springer, presented the petition of sundry citizens of Louisa county, praying for the removal of the Ferry at Wappello, (known as the free ferry) so far up the river as to be kept opposite Van Buren street, in the town of Wapello.

On motion of Mr. Springer,

Ordered, That said petition be referred to a select committee,

Messrs. Springer, Wallace and Cox, were appointed said committee.

Mr. Teas reported the following resolution,

No. 46, C. F. Resolved by the Council and House of Representatives of the Territory of Iowa,

That the Secretary of the Territory be and he is hereby authorized to receive sealed proposals for two weeks, from the different editors in this Territory for the printing of the laws passed at this session of the Legislative Assembly,

Which was read a first time.

Mr. Wallace asked leave of absence for Mr. Christie,

Leave was granted.

Mr. Wm. Patterson from the select committee appointed for that purpose, reported

No. 47, C. F. A bill to divorce Mary Ann Smiley from her husband Reuben Smiley,

Which was read a first time.

A motion was made by Mr. Teas,

To reject said bill,

Which was decided in the negative, yeas 2 nays 9.

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs. Springer and Teas.

Those who voted in the negative, were

Messrs. Cox, Cook, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Wallace and Elbert President.

Mr. Wm. Patterson, from the select committee appointed for [that purpose, reported

No. 48, C. F. A bill to divorce Lusena Scott, from her husband, Rothsens Howard Scott.

Which was read a first time.

Mr. Wallace from the committee on engrossed bills, reported

No. 41, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported

An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque.

An act to legalize the acts of Jacob Mintum, a Justice of the Peace.

An act to establish a Seminary of learning at Grandview in Louisa county, also,

Joint Resolution, asking an appropriation to defray the expenses of a treaty with the Pottowatamies, Chippewa and Ottawa Indians.

Mr. Cook from the committee on the Revision of the laws, reported No. 49, C. F. A bill for opening and regulating roads and highways,

Which was read a first time.

No. 46, H. R. F. A bill for the prevention of certain immoral practices, Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 58, H. R. F. A bill to authorize Henry De Camp and Sam'l. H. Colyer to keep a ferry across the Mississippi river, at the town of Wyoming,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill do lie upon the table.

No. 59, H. R. F. A bill to amend an act entitled an act for the incorporation of the town of Farmington.

Was read a second time.

On motion of Mr. Jenkins,

Ordered, That said bill be read a third time to-morrow.

No. 60, H. R. F. A bill to legalize the location of a certain Territorial road,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

No. 43, C. F. A bill to incorporate the Muscatine Farmers' and Mechanics' Exchange company,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill do lie upon the table.

No. 45, C. F. A bill relative to Promissory Notes, Bonds, Duebills and other instruments of writing,

Was read a second time.

On motion of Mr. Teas,

The Council resolved itself into committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cox, reported that the committee had, according to order, had the same under consideration, and instructed him to report the same, with two amendments, and ask the concurrence of the Council,

The question being put, will the Council concur in the first amendment?

It was agreed to.

The question being put, on concurring in the second amendment?

It was decided in the negative.

On motion of Mr. Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 39, C. F. A bill concerning Costs and Fees,

Was read a second time.

On motion of Mr. Cook,
The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Wallace reported, that the committee had, according to order, had said bill under consideration, and had made some progress therein and asked leave to sit again.

Leave was granted.

The President announced a communication from the Governor, on Executive business,

On motion of Mr. Springer,
The Council resolved itself into an Executive Session.

After a short time the Executive Session rose.

Mr. Cook, on leave being granted, introduced
No. 50, C. F. A bill to legalize the location of a certain Territorial road.

Which was read a first time.

On motion of Mr. Springer,
The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, JANUARY 24, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I herewith present for your signature,

An act to relocate a certain Territorial road.

An act to amend an act to Incorporate the city of Dubuque.

I also herewith return,

Joint resolution asking an appropriation to defray the expenses of a treaty with the Pottawatomie, Chippewa and Ottawa Indians.

An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque.

An act to establish a Seminary of Learning at Grandview in Louisa county.

An act to legalize the acts of Jacob Mintun, a Justice of the Peace.

The same being signed by the Speaker of the House of Representatives.

The House have also passed with amendments,

No. 24, C. F. A bill to authorize evidence by the oath of parties,

In which the concurrence of the Council is requested.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Wm. Patterson presented the petition of sundry citizens of Lee county, praying for the vacation of a part of the streets and alleys of the town of Denmark, in Lee county.

Mr. Wm. Patterson presented the petition of sundry citizens of Denmark in Lee county, praying the Legislature to grant them a charter for an Academy, to be known by the name of "the Denmark Academy."

On motion of Mr. Wm. Patterson,

Ordered, That said petitions be referred to a select committee,

Messrs. Wm. Patterson, Gehon and Jenkins,

Were appointed said committee.

Mr. Leffler presented the petition of Maria S. Blanchard, praying to be divorced from her husband David Blanchard.

On motion of Mr. Leffler,

Ordered, That said petition do lie upon the table.

On motion of Mr. Cook,

Resolved, That the committee on Territorial affairs, be instructed to inquire into the expediency of investing the funds now in the hands of the Territorial Treasurer, being the amount received by the Territory of Iowa, by virtue of the distribution law, in government lands, for the use and support of common schools.

Mr. Cook from the committee on engrossed bills, reported

No. 38, C. F. as correctly engrossed.

Mr. Wallace, from the committee on the Revision of the laws, reported,

No. 51, C. F. A bill regulating practice in the Supreme and District Courts,

Which was read a first and second time.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 22, H. R. F. Memorial for an appropriation for a canal at each of the Rapids of the Mississippi.

No. 33, C. F. A Bill concerning Mortgages,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 46, C. F. A joint resolution authorizing the Secretary of the Territory to receive proposals for printing the laws of the present session,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said resolution do lie upon the table.

No. 47, C. F. A bill to divorce Mary Ann Smiley from her husband Reuben Smiley,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill do lie upon the table.

No. 48, C. F. A bill to divorce Lusena Scott, from her husband, Rothsens Howard Scott.

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill do lie upon the table.

No. 49, C. F. A bill for opening and regulating roads and highways,
Was read a second time.

On motion of Mr. Wm. Patterson,

The Council resolved itself into a committee of the whole, for the consideration of said bill,

After some time spent therein, Mr. President resumed the chair, and Mr. Wm. Patterson reported that the committee had, according to order had said bill under consideration and instructed him to report the same with sundry amendments, and ask the concurrence of the Council.

The Council concurred in all the amendments except the one to the fourth section,

Which was disagreed to,

Which reads as follows:

Provided, further said change shall not be made through any improvement of one years standing, without the consent of the owner, if equally good ground can be otherwise had without materially increasing the length of said road.

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives of the same and request their concurrence.

No. 50, C. F. An act to legalize the location of a certain Territorial road.

Was read a second time, and

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have appointed,

Messrs. Robertson, Hepner and Andros, a committee of conference in relation to the disagreeing vote of the two Houses upon,

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law,

And then he withdrew.

No. 41, C. F. An act regulating Mills and Millers, and for other purposes,

No. 59, H. R. F. An act to amend an act entitled an act for the incorporation of the town of Farmington.

No. 60, H. R. F. An act to legalize the location of certain Territorial roads.

No. 38, C. F. An act to regulate weights and measures,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

No. 24, C. F. An act to authorize evidence by the oath of parties, as amended by the House of Representatives,

Was taken up, and the amendments severally concurred in.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole on No. 39, C. F. A bill concerning costs and fees.

After sometime spent therein, Mr. President resumed the chair, and Mr. Wallace reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Cook,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House have passed,

No. 61, H. R. F. A bill to establish a Seminary of learning at Nashville.

No. 34, H. R. F. A bill for the relief of Walter Butler.

No. 63, H. R. F. A bill for the relief of B. W. Gillock, ex-Sheriff of Lee county.

No. 64, H. R. F. A bill to establish a certain Territorial road.

No. 57, H. R. F. A bill establishing the prices of printing,

In all of which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 37, C. F. An act to authorize Wm. Benham, and David B. Sears to keep a Ferry.

I also herewith return for your signature,

An act for the relief of Denton J. Snyder, also

An act to relocate a part of a certain Territorial road in Henry county, and

A joint resolution requesting our Delegate in Congress to procure the establishment of a Post Office and for other purposes.

And then he withdrew.

The President then signed the above entitled acts.

No. 34, H. R. F. A bill for the relief of Walter Butler.

No. 57, H. R. F. A bill establishing the prices of Printing.

No. 61, H. R. F. A bill to establish a Seminary of learning at Nashville.

No. 63, H. R. F. A bill for the relief of B. W. Gillock.

No. 64, H. R. F. A bill to establish a certain Territorial Road.

Were severally read a first time.

On motion of Mr. Cox,

The Council resolved itself into a committee of the whole for the consideration of

No. 39, C. F. A bill concerning costs, and fees.

After sometime spent therein Mr. President resumed the chair, and Mr. Wallace reported the same back with sundry amendments, and asked the concurrence of the Council.

A motion was made by Mr. Wallace,
To amend said bill by adding the following:
This act to take effect and be in force from and after the 20th day of February next.

Which was agreed to.

A motion was made by Mr. Springer,
To amend the 16th section of said bill, by allowing the Sheriff one dollar and fifty cents per day for attending the District Court,
And the question being put, it was decided in the negative, yeas 5, nays 7.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,
Messrs. Harris, Wm. Patterson, R. M. G. Patterson, Springer and Wallace.

Those who voted in the negative were,
Messrs. Cox, Cook, Gehon, Jenkins, Leffler, Teas and Elbert President.

A motion was made by Mr. Teas,
To disagree to the amendment allowing the Sheriff for summoning the Grand and Petit Jurors to be paid out of the county treasury for each panel eight dollars.

Which was decided in the negative, yeas 4 nays 8.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were,
Messrs. Cook, Harris, Teas and Elbert President.

Those who voted in the negative, were
Messrs. Cox, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer and Wallace.

The other amendments of the committee were all concurred in.

On motion of Mr. Gehon,

Ordered, That said bill be engrossed and read a third time on Thursday.

On motion of Mr. Cook,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, JANUARY 25, 1843.

The President, presented the petition of sundry citizens of Van Buren county, praying the Legislature to grant a license to Cyrus Gibson to keep a Ferry for foot passengers across the mouth of Chequest creek in Van Buren county.

Which was laid upon the table.

Mr. Wallace from the committee on engrossed bills, reported
No. 22, C. F. As correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported
No. 24, C. F. An act to authorize evidence of parties. Also,
No. 37, C. F. An act to authorize Wm. Benham and David B. Sears, to
keep a Ferry.

As correctly enrolled.

Mr. Cook from the committee on enrolled bills, reported
That they did on the 24th inst. present to the Governor for his approval,
An act to legalize the acts of Jacob Mintun a Justice of the Peace.
An act to locate a Territorial road from Jonathan H. Jenkins', in Linn
county to the city of Dubuque.

A Joint Resolution to defray the expenses of a Treaty with the Pottawat-
tamie, Chippewa and Ottawa Indians.

An act to establish a seminary of learning at Grandview, in Louisa coun-
ty.

An act relating to the office of Recorder of Deeds.

An act to repeal an act entitled an act relating to Auctioneers and Auc-
tion Sales, approved January 17, 1840.

Also,

An act to prohibit and punish the sale of intoxicating liquors to Indians.

Mr. Gehon, from the committee on Internal Improvements, reported back
No. 29, H. R. F. A bill regulating the keeping of Stallions and Jacks,
and to improve the breed of horses, without amendment.

Mr. Wm. Patterson from the select committee appointed for that purpose,
reported

No. 52, C. F. A bill to vacate certain streets and alleys in the town of
Denmark, Lee county.

Which was read a first time.

Mr. Springer, from the committee on the Judiciary, reported back,
No. 35, C. F. A bill defining the Jurisdiction of the Supreme and Dis-
trict Courts. Also,

A bill regulating practice in the Supreme and District Courts, with amend-
ments.

No. 34, H. R. F. A bill for the relief of Walter Butler,

Was read a second time.

On motion of Mr. Wallace,
Ordered, That said bill be referred to the committee on claims.

No. 57, H. R. F. A bill establishing the prices of Printing.

Was read a second time.

On motion of Mr. Springer,
Ordered, That said bill be referred to the select committee on Printing.

No. 61, H. R. F. A bill to establish a seminary of learning at Nashville,

Was read a second time.

On motion of Mr. Wm. Patterson,
Ordered, That said bill be read a third time on to-morrow.

No. 63, H. R. F. A bill for the relief of B. W. Gillock, ex-sheriff of Lee
county.

Was read a second time.

On motion of Mr. Wm. Patterson

Ordered, That said bill be read a third time to-morrow.

No. 60, H. R. F. A bill to establish a certain Territorial road,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

No. 50, C. F. An act to legalize the location of a certain Territorial road.

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 22, C. F. A bill subjecting real and personal estate to execution,

Was read a third time.

And the question being put, shall the bill, pass?

It was decided in the affirmative, yeas 9, nays 3.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

Those who voted in the negative were,

Messrs. Cook, Leffler, and Wallace.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

No. 35, C. F. A bill defining the jurisdiction of the Supreme and District courts.

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consideration of said bill,

After some time spent therein, Mr. President resumed the chair, and Mr. Springer, reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment, and ask the concurrence of the Council.

The Council concurred in the amendment.

On motion of Mr. Jenkins,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 51, C. F. A bill regulating Practice in the Supreme and District Courts,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself into committee of the whole for the consideration of said bill,

After some time spent therein Mr. President, resumed the chair, and Mr. Cox, reported that the committee had according to order, had said bill under consideration, and instructed him to report the same back with amendments and ask the concurrence of the Council.

The Council concurred in the amendments.

A motion was made by Mr. Cook,

To amend the 39th section of said bill, by striking out the words "Judgment, of the court below shall stand confirmed," and insert the words "cause shall stand confirmed until all the Judges are on the Bench."

In which the Council concurred.

A motion was made by Mr. Harris,

To amend said bill by striking out the words "the one-half to the use of the county where such court is held and the other half to the use of any person who will sue for the same," and insert the words, "which fine when collected shall be applied to the use of common schools in said county."

Which was decided in the negative.

On motion of Mr. Cox,

Ordered, That said bill be engrossed and read a third time on Saturday.

No. 29, H. R. F. A bill to regulate the keeping of stallions and jacks and to improve the breed of horses,

Was read a second time.

On motion of Cook,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

Ordered, That the Secretary notify the House accordingly.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House have passed,

No. 23, H. R. F. A bill to repeal the Miners' Bank of Dubuque and to provide for winding up the affairs of the same,

In which the concurrence of the Council is requested.

I also herewith present for your signature.

An act to legalize the location of certain Territorial Roads. And

An act to amend an act entitled an act for the incorporation of the town of Farmington.

The same having been signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the above entitled acts.

No. 23, H. R. F. A bill to repeal the charter of the Miner's Bank of Dubuque and to provide for winding up the affairs of the same.

Was read a first time.

On motion of Mr. Jenkins,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, JANUARY 26, 1843.

Mr. Harris, presented the petition of Jesse Bowen and others, citizens of Johnson county, praying the Legislature to incorporate an institution of learning to be denominated, *The Iowa City College*, and donate an eligible piece of ground for the same.

On motion of Mr. Harris,

Ordered, That said petition be referred to the committee on Incorporations.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I herewith return,

An act to authorize Wm. Benham and David B. Sears, to keep a Ferry.

A bill to authorize evidence by the oath of parties.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Wallace from the committee on engrossed bills, reported

No. 35, and 39, C. F. As correctly engrossed.

Mr. Wm. Patterson from the select committee appointed for that purpose reported,

A bill to incorporate an academy at Denmark, in Lee county.

Which was read a first time.

Mr. Leffler, from the select committee on Printing, reported back with amendments,

No. 57, H. R. F. A bill establishing the prices of printing,

Mr. Harris, from the committee on roads, to whom was referred the petition of sundry citizens of Jefferson county, praying for an alteration in a certain Territorial Road; and the remonstrance against said alteration, reported,

That in the opinion of said committee, the prayer of said petitioners should not be granted, and asked to be discharged from the further consideration thereof.

Which was agreed to.

Mr. Leffler, on leave being granted, introduced

No. 54, C. F. A bill to divorce Maria S. Blanchard, from her husband David Blanchard.

Which was read a first time.

Mr. Jenkins gave notice that he would on to-morrow, or some future day introduce,

A bill authorizing the Judge of Probate of Van Buren county to appoint a suitable person to transcribe the Probate records of said county.

No. 23, H. R. F. A bill to repeal the charter of Miners' Bank of Dubuque and to provide for winding up the affairs of the same.

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 52, C. F. A bill to vacate certain streets and alleys in the town of Denmark, Lee county.

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 57, H. R. F. A bill establishing the prices of Printing.

Was read a second time.

On motion of Mr. Leffler,

The Council resolved itself into a committee of the whole, for the consideration of said bill,

After some time spent therein, Mr. President resumed the chair, and Mr. Leffler, reported that the committee had, according to order had said bill under consideration and instructed him to report the same with amendment, and ask the concurrence of the Council.

The Council concurred in the amendment.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be read a third time on Saturday.

No. 61, H. R. F. A bill to establish a Seminary of learning at Nashville.

No. 63, H. R. F. A bill for the relief of B. W. Gillock, ex-sheriff of Lee county.

No. 64, H. R. F. An act to establish a certain Territorial Road.

No. 35, C. F. An act defining the Jurisdiction of the Supreme and District Courts.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 39, C. F. A bill concerning costs and fees.

Was read a third time.

And the question being put, shall the bill pass?

It was decided in the affirmative, yeas 9, nays 3.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Jenkins, Wm. Patterson, Leffler, R. M. G. Patterson, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Cook, Springer, and Teas.

So the bill passed.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

On motion of Mr. Harris,

Ordered, That

No. 58, H. R. F. A bill to authorize Henry De Camp and Sam'l. H. Col-

yer to keep a ferry across the Mississippi river, at the town of Wyoming, be taken from the table, and referred to the committee on incorporations.

Mr. Harris presented the petition of sundry citizens of Muscatine county relative to said ferry, which,

On motion of Mr. Harris,

Was referred to the committee on Incorporations.

On motion of Mr. Wm. Patterson,

Ordered That

No. 53, C. F. A bill to incorporate an Academy in Denmark, Lee county, be read a second time now.

The bill was read a second time.

On motion of Mr. Wm. Patterson

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was read a third time and passed.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

On motion of Mr. Harris,

Ordered That

No. 43, C. F. A bill to incorporate the Muscatine Farmers' and Mechanics' Exchange company, be taken from the table, and recommitted to the committee on Incorporations.

On motion of Mr. Harris,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, JANUARY 27, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed,

No. 56, H. R. F. A bill relative to mechanic's liens, and other purposes, and

No. 66, H. R. F. A bill granting further time to Henry Harden to file the plat of a Territorial road in the office of the Secretary.

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act regulating the keeping of Stallions and Jacks, and to improve the breed of horses,

And then he withdrew.

The President then signed the above entitled act.

On motion of Mr. Harris,

Resolved, That James W. Wood, late Secretary of the Council for his attendance and services during the present Session of the Council, be allowed the sum of thirty-four dollars.

Mr. Jenkins according to previous notice introduced

No. 55, C. F. A bill authorizing the Judge of Probate of Van Buren county, to appoint a suitable person to transcribe the Probate records of said county,

Which was read a first time.

Mr. Cook from the committee on enrollments, reported

That they did on the 25th inst, present to the Governor for his approval, the following entitled acts,

An act to authorize Wm. Benham, and David B. Sears to keep a Ferry, and

An act to authorize evidence by the oath of parties.

Mr. Springer from the committee of conference to whom was referred

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law,

Reported, That they had attended to the duties assigned them, and agreed to recommend to their respective Houses, the passage of the joint resolution as amended by the House of Representatives.

Mr. Springer from the committee on the Judiciary, reported back

No. 45, C. F. A bill relative to Promissory Notes, Bonds, Duebills and other instruments of writing, without amendment.

Mr. Cox from the select committee, appointed for that purpose reported

No. 56, C. F. A bill to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes,

Which was read a first time.

On motion of Mr. Wm. Patterson,

Ordered, That the usual number of copies of said bill be printed.

No. 54, C. F. A bill to divorce Maria S. Blanchard from her husband David Blanchard,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill do lie upon the table, subject to the order of the Council.

No. 45, C. F. A bill relative to promissory notes, bonds, due-bills, and other instruments of writing,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 52, C. F. An act to vacate certain streets and alleys in the town of Denmark, Lee county,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 8, C. F. Joint resolution instructing our Delegate in Congress to procure an amendment to the organic law,

Was taken up together with the report of the committee of conference thereon.

A motion was made by Mr. Springer,

To recede from the disagreeing vote on said resolution,

And the question being put, it was decided in the negative, yeas 4, nays 8.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Jenkins, Springer, Wallace and Elbert President.

Those who voted in the negative were,

Messrs. Cox, Cook, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson and Teas.

So the resolution was lost.

No. 56, H. R. F. A bill relative to Mechanic's liens and other purposes.

No. 66, H. R. F. An act granting further time to Henry Harden to file the plat of a Territorial road in the office of the Secretary.

Were severally read a first time.

No. 55, C. F. A bill authorizing the Judge of Probate of Van Buren county to appoint a suitable person to transcribe the Probate records of said county,

Was read a second time.

On motion of Mr. President,

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Harris presented the account of John B. Russell, for Printing the Journal of the Council for the last session of the Legislature.

On motion of Mr. Harris,

Ordered, That said account be referred to the committee on claims.

Mr. Wallace asked leave of absence for Mr. Jenkins until Monday morning,

Leave was granted.

Mr. Springer asked leave of absence for Mr. Harris until Monday morning,

Leave was granted.

On motion of Mr. Gehon,

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, January 28, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 27, H. R. F. A bill to prevent and punish gaming.

No. 75, H. R. F. A joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives, Session 1841-'42.

Also with amendments.

No. 49, C. F. A bill for opening and regulating roads and highways,

In which the concurrence of the Council is requested.

I also herewith present for your signature,

An act for the relief of B. W. Gillock, ex-sheriff of Lee county, and

An act to establish a certain Territorial road,

The same being signed by the Speaker of House of Representatives,

And then he withdrew.

The President then signed the above entitled acts.

Mr. Cook presented the remonstrance of sundry citizens of Linn county against the relocation of that part of the Territorial road, leading from Bloomington via Tipton, to Marion, which lies between Clear-creek and Wm. Abbes.

On motion of Mr. Cook,

Ordered, That said remonstrance be referred to the committee on roads.

Mr. Wallace from the committee on engrossed bills, reported

Nos. 51, and 55 as correctly engrossed.

Mr. R. M. G. Patterson from the committee on Incorporations, reported back

No. 58, H. R. F. A bill to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi river, at the town of Wyoming, and recommended its passage.

Mr. R. M. G. Patterson from the committee on Incorporations, reported back

No. 43, C. F. A bill to incorporate the Muscatine, Farmers and Mechanics Exchange company, and asked to be discharged from the further consideration of said bill, and that it do not pass,

Which was agreed to.

Mr. Springer gave notice, that he would on Monday introduce

A bill to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river.

No. 56, H. R. F. A bill relative to Mechanics leins and other purposes,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 66, H. R. F. A bill granting further time to Henry Harden to file the plat of a Territorial road in the office of the Secretary,

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill be read a third time on Monday.

No. 58, H. R. F. A bill authorizing Henry De Camp and Sam'l H. Colyer to keep a ferry across the Mississippi river at the town of Wyoming,

Was read a second time.

On motion of Mr. Wallace,

Ordered, That said bill be read a third time on Monday.

No. 57, H. R. F. A bill establishing the prices of public Printing.

Was read a third time.

A motion was made by Mr. Cook,

So to amend said bill,

That the Secretary of the Council and chief clerk of the House of Representatives, be allowed each the sum of three hundred and fifty dollars for indexing and superintending the printing of the Journals of their respective Houses, and distributing the same,

Which was agreed to, and the bill passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 51, C. F. A bill regulating Practice in the Supreme and District Courts,

Was read a third time and passed.

On motion of Mr. Springer,

Ordered, That the words "supreme and" be stricken out of the title of said bill.

No. 55, C. F. An act authorizing the Judge of Probate of Van Buren county, to appoint a suitable person to transcribe the Probate Records of said county,

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 49, C. F. An act for opening and regulating Highways, as amended by the House,

Was taken up, and the question being put, will the Council concur in the amendment to the 14th section of said bill?

It was decided in the negative.

No. 27, H. R. F. A bill to prevent and punish gaming,

Was read a first time.

No. 75, H. R. file a joint resolution fixing the compensation to Wilson &

Keesecker for printing the Journals of the House of Representatives of 1841-'42.

Was read a first and second time.

A motion was made by Mr. Gehon,

To amend said resolution by striking out the words "six hundred and fifty" and inserting "seven hundred and fifty" pending, which

A motion was made by Mr. Springer,

To refer said resolution to the committee on claims,

Which was decided in the negative.

A motion was made by Mr. Springer,

To refer said resolution to the select committee on Printing, with instructions to report on Monday morning.

And the question being put,

It was decided in the affirmative, yeas 7, nays 4.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were

Messrs. Cook, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative, were

Messrs. Cox, Gehon, Harris and Leffler.

Mr. Wm. Patterson gave notice that he would on Monday or some future day, introduce a bill to prevent injury by Dogs.

On motion of Mr. Cox,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, JANUARY 30, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council,

That the House have adhered to all their amendments to

A joint resolution requesting our Delegate in Congress to procure an amendment to the organic law, so as to allow the several counties in this Territory to elect their clerks.

The House have passed,

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river.

No. 67, H. R. F. A bill to abolish imprisonment for debt.

No. 73, H. R. F. A bill to relocate a part of a Territorial road in Washington county.

In which the concurrence of the Council is requested.

Also, without amendment,

No. 50, C. F. A bill to legalize the location of a certain Territorial road.

The House have receded from their amendment to the 14th section of

No. 49, C. F. A bill for opening and regulating roads and highways,

And then he withdrew.

Mr. Teas, presented the petition of sundry citizens of Jefferson county, praying the Legislature to grant a charter to Josiah Hinshaw, to build a dam across Walnut creek on the south-west quarter of section 23, Township 73, north of range 9 west.

On motion of Mr. Teas,

Ordered That said petition be referred to the committee on Incorporations.

Mr. Teas presented a communication from Wm. Crum relative to the printing of the laws.

Which was read and laid on the table.

Mr. Springer, presented the petition of sundry citizens of Washington county, praying for the repeal of the law licensing the sale of intoxicating liquors.

On motion of Mr. Springer,

Ordered that said petition be referred to the committee on Territorial Affairs.

Mr. Springer presented the petition of sundry citizens of Louisa county praying the Legislature, to pass an act, for removing the ferry at Wappello, (known as the free ferry,) so far up the river as to be kept opposite Van Buren street, in the town of Wappello.

On motion of Mr. Springer,

Ordered, That said petition be referred to the select committee heretofore appointed on the same subject.

On motion of Mr. Cox,

Resolved, That the committee on the Judiciary, be instructed to bring in a bill defining the number of Statute Laws necessary to be printed at the present session and to what officers they are to be distributed.

Mr. Wallace from the committee on engrossed bills, reported

No. 45, C. F. as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported

An act for opening and regulating Highways, also

An act to legalize the location of a certain Territorial road.

As correctly enrolled.

Mr. Cook from the committee on claims, to which was referred the petition of John Hawkins, Administrator of the Estate of the late James Hawkins, Postmaster at Iowa City, reported

That they find there is due Mr. Hawkins \$203 59, that the pro rata of the appropriation of March 1842, which the Secretary is authorized to pay Mr. Hawkins, will amount to \$180 00; leaving a balance due him of \$23 59; this balance your committee consider should be allowed, and acknowledged by the Legislatnre as an indebtedness of the Territory to the estate of Mr. Hawkins.

The other item in Mr. Hawkins' bill amounting to \$31 50, is for interest and cost of a trip to Burlington, your committee do not believe the Territory should be made to pay interest on claims of this nature, yet in this particular case the committee ask to be instructed in the premises, or discharged from the further consideration of the subject.

Mr. Cook from the committee on elections, reported

No. 57, C. F. A bill to amend an act to district the Territory into electoral districts, approved, July 30th 1840.

Which was read a first time.

Mr. Leffler, from the select committee on Printing, reported back

No. 75, H. R. F. a joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives 1841, 1842, without amendment.

No. 27, H. R. F. A bill to prevent and punish gaming,

Was read a second time.

On motion of Mr. Cox,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Cox, reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with sundry amendments, and ask the concurrence of the Council.

The question being put, on concurring in the amendment on striking out "A, B, C. E. O. and Tennis balls" whenever they occur in said bill.

It was decided in the affirmative, yeas 8, nays 3.

The yeas and nays being desired

Those who voted in the affirmative were,

Messrs. Cox, Cook, Gehon, Jenkins, Leffler, R. M. G. Patterson, Springer, and Wallace.

Those who voted in the negative were,

Messrs. Wm. Patterson, Teas, and Elbert, President.

The question being put, will the Council concur to strike out the 12th section?

It was decided in the affirmative.

The question being put; Will the Council concur to strike out the 8th section of said bill, which read as follows:

Section 8. That if any person or persons shall suffer the game of billiards or any of the games commonly called A, B, C. E. O. or faro bank or any other gaming table or bank of the like kind under any denomination whatever, to be played in his or her house, or in any out house, booth or arbor of which he or she at the time has the care or possession; every person or persons so offending, shall on conviction, forfeit and pay, a sum not less than five dollars, nor more than two hundred dollars.

It was decided in the affirmative, yeas 7, nays 4.

The yeas and nays being desired by Mr. Wm. Patterson,

Those who voted in the affirmative were,

Messrs. Cox, Cook, Gehon, Leffler, R. M. G. Patterson, Springer & Wallace.

Those who voted in the negative were,
Messrs. Jenkins, Wm. Patterson, Teas, and Elbert President.

And the question being put, will the Council concur in striking out the 16th section of said bill?

It was concurred in.

A motion was made by Mr. Cox,

To strike out the words "horse racing" wherever they occur in the bill,

Which was decided in the affirmative, yeas 6, nays 5.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were,

Messrs. Cox, Cook, Gehon, Leffler, R. M. G. Patterson and Wallace.

Those who voted in the negative were,

Messrs. Jenkins, Wm. Patterson, Springer, Teas and Elbert, President.

A motion was made by Mr. Cox,

That said bill be read a third time to-morrow.

Which was decided in the negative.

A motion was made by Mr. Wm. Patterson

That said bill do lie upon the table, subject to the order of the Council.

Which was decided in the negative.

A motion was made by Mr. Jenkins,

That the 13th rule be suspended and the bill be read a third time now,

Which was decided in the negative.

A motion was made by Mr. Wm. Patterson,

That said bill be read a third time on Thursday.

Which was decided in the affirmative, yeas 6, nays 5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Cook, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

Those who voted in the negative, were

Messrs. Cox, Gehon, Jenkins, Leffler and Wallace.

No. 42, C. F. A bill to provide for the election of Justices of the Peace to prescribe their powers and duties and to regulate their proceedings,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee of the whole this afternoon.

No. 56, C. F. A bill to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes,

Was read a second time.

On motion of Mr. Cook,

The Council resolved itself into a committee of the whole, for the consideration of said bill,

After some time spent therein, Mr. President resumed the chair, and Mr. Wallace reported that the committee had, according to order had said bill under consideration and instructed him to report the same with amend-

ments, and ask the concurrence of the Council.

The question being put,

Will the Council concur in the amendments?

It was decided in the affirmative.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

On motion of Mr. Jenkins,

Ordered, That Mr. Cox be added to said committee.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county.

No. 79, H. R. F. An act to incorporate the "Iowa Medical Society."

Also with amendment.

No. 35, C. F. An act defining the Jurisdiction of the Supreme and District Courts.

In all of which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 41, C. F. An act regulating Mills and Millers, and for other purposes.

No. 53, C. F. A bill to incorporate an Academy in Denmark, Lee county,

And then he withdrew.

On motion of Mr. Springer,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consideration of

No. 42, C. F. A bill to provide for the election of Justices of the Peace, to proscribe their powers and duties to regulate their proceedings,

After sometime spent therein, Mr. President resumed the chair, and Mr. Gehon reported progress and asked leave to sit again.

Leave was granted.

No. 75, H. R. F. A joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives, 1841-'42.

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said resolution do lie upon the table.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have amended the second amendment made by the Council to

No. 57, H. R. F. A bill establishing the prices of public Printing.

I herewith present for your signature,

An act to establish a seminary of learning at Nashville, in Lee county,

The same being signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the above entitled act.

No. 58, H. R. F. A bill to authorize Henry De Camp and Sam'l H. Colyer to keep a ferry across the Mississippi river at the town of Wyoming,

Was read a third time.

On motion of Mr. Harris,

Ordered, That said bill do lie upon the table.

No. 66, H. R. F. An act granting further time to Henry Harden to file the plat of a Territorial road in the office of the Secretary.

No. 45, C. F. An act relating to promissory notes, bonds, due-bills, and other instruments of writing,

Which were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

No. 35, C. F. An act defining the jurisdiction of the Supreme and District courts, as amended by the House was taken up, and the amendment concurred in.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river.

No. 67, H. R. F. A bill to abolish imprisonment for debt.

No. 73, H. R. F. An act to relocate a part of a Territorial road, in Washington county.

No. 78, H. R. F. Joint resolution relative to sales for Delaware county.

No. 79, H. R. F. An act to incorporate the "Iowa Medical Society,"

Were severally read a first time.

No. 57, H. R. F. A bill establishing the prices of public Printing,

In which the House amended the amendment of the Council,

Was taken up, considered and concurred in.

On motion of Mr. Cook,

The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, JANUARY 31, 1843.

Mr. Springer according to previous notice, introduced
No. 58, C. F. A bill to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river.

Which was read a first time.

Mr. Springer from the committee on the Judiciary, reported back with amendments,

No. 56, H. R. F. A bill relative to Mechanic's leins and other purposes.

Mr. Springer from the committee on the Judiciary, reported back with amendments,

No. 56, C. F. A bill to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes.

Mr. Springer, from the committee on the Judiciary, reported back without amendments,

No. 46, H. R. F. A bill for the prevention of certain immoral practices,

Mr. Cook from the committee on claims, reported

No. 59, C. F. A joint resolution fixing the compensation to John B. Russell, for Printing the Journals of the Council for the session of 1841-'42.

Which was read a first time.

On motion of Mr. Springer,

The Council resolved itself into committee of the whole, for the consideration of

No. 42, C. F. A bill to provide for the election of Justices of the Peace to proscribe their powers and duties and to regulate their proceedings.

After some time spent therein, Mr. President resumed the chair, and Mr. Gehon, reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments, and ask the concurrence of the Council.

The question then being put,

Will the Council concur in the amendments?

It was decided in the affirmative.

A motion was made by Mr. Springer,

To amend by repealing all acts contravening the provisions of said bill,

Which was decided in the affirmative.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I am directed to inform the Council that the House have passed,

No. 81, H. R. F. An act requiring certain county officers to keep their respective offices at the county seat, and

No. 45, H. R. F. An act to provide for assessing and collecting county and Territorial revenue,

In which the concurrence of the Council is requested.

And then he withdrew.

No. 57, C. F. A bill to amend an act to district the Territory into electoral districts, approved July 30, 1840.

Was read a second time.

On motion of Cook,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to a committee of the whole for to-morrow.

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the committee on Internal Improvements.

No. 67, H. R. F. A bill to abolish imprisonment for debt,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 73, H. R. F. An act to relocate a part of a Territorial road in Washington county,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be read a third time to-morrow.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county,

Was read a second time.

On motion of Mr. Wallace,

Ordered, That said resolution be referred to the committee on claims.

No. 79, H. R. F. An act to incorporate the "Iowa Medical Society,"

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

No. 46, H. R. F. A bill for the prevention of certain immoral practices,

Was read a second time.

A motion was made by Mr. Cox,

To strike out all after the enacting clause of said bill pending, which

On motion of Mr. Wallace,

Ordered, That said bill do lie upon the table.

No. 56, H. R. F. A bill relative to Mechanics leins and other purposes,

Was read a second time as amended by the committee on the Judiciary.

On motion of Mr. Leffler,

Ordered, That the word "special" be stricken out of the 7 line of the first section of said bill.

On motion of Mr. Cook,

Ordered, That said bill be read a third to-morrow.

No. 56, C. F. A bill to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes,
Was read a second time as amended by the committee on the Judiciary.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time on Thursday.

No. 81, H. R. F. An act requiring certain county officers to keep their respective offices at the county seat,

Was read a first time.

No. 45, H. R. F. A bill to provide for assessing and collecting county and Territorial revenue.

Was read a first and second time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to a committee of the whole this afternoon.

Mr. Wm. Patterson from the committee on Territorial affairs to which was referred a petition relative to grocery licenses, reported,

That it was inexpedient to grant the prayer of the petitioners, and asked to be discharged from the further consideration of the subject.

The question being put,

Shall the committee be discharged?

It was agreed to.

On motion of Mr. Wallace

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Leffler moved a call of the Council, which was had, and on the roll being called it appeared that Messrs. Jenkins, Teas and Wallace were absent.

The Sergeant-at-arms was

Ordered, To require their attendance; the absentees appearing it was

On motion of Mr. Leffler,

Ordered, That the further call of the Council be dispensed with.

No. 45, H. R. F. A bill to provide for Assessing and collecting county and Territorial Revenue,

Being made the order of the day, was taken up and considered in a committee of the whole,

After sometime spent therein, Mr. President resumed the chair, and Mr. Leffler reported that the committee had according to order, had said bill under consideration and instructed him to report the same with amendments.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on Finance.

Mr. Wm. Patterson on leave being granted, presented the petition of the Mayor and Alderman of the town of Fort Madison, praying the Legislature to amend the act of Incorporation of said town, so that the rate of interest in the redemption of town lots may be raised from twenty per cent. to fifty per cent., also that the Mayor and Alderman of said town shall receive for their services two dollars per day for each regular meeting of the Board.

On motion of Mr. Wm. Patterson,

Ordered, That said petition be referred to the committee on Incorporations.

Mr. Wallace on leave being granted, introduced,

No. 60, C. F. A bill to amend an act entitled an act for the incorporation of the town of Mount Pleasant.

Which was read a first time.

Mr. Harris moved to take from the table,

No. 58, H. R. F. An act to authorize Henry De Camp and Sam'l H. Colyer to keep a ferry across the Mississippi river at the town of Wyoming.

Which was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr. Leffler,

The Council adjourned until Monday morning at 10 o'clock.

WEDNESDAY MORNING, FEBRUARY 1, 1843.

Mr. Cook from the committee on enrolled bills, reported

No. 41, C. F. An act regulating Mills and Millers, and for other purposes.

No. 35, C. F. An act defining the Jurisdiction of the Supreme and District courts. Also

No. 53, C. F. An act to incorporate an Academy in Denmark, Lee county, As correctly enrolled.

Mr. Cook from the committee on enrolled bills, reported

That they presented to the Governor for his approval on the 31st of January,

An act to legalize a certain Territorial road. And

An act for opening and regulating Roads and Highways.

Mr. Cook from the committee on claims, reported back

No. 78, H. R. F. Joint resolution relative to seals for Delaware county.

Mr. Cook from the committee on engrossed bills, reported

No. 57, C. F. As correctly engrossed.

Mr. R. M. G. Patterson from the committee on incorporations, reported

No. 61, C. F. A bill to authorize Isaiah Hinshaw to erect a dam across Walnut creek in the county of Jefferson.

Which was read a first time.

Mr. Wm. Patterson, according to previous notice introduced
No. 62, C. F. A. bill to prevent injury by dogs.

Which was read a first time.

Mr. Springer from the committee on the Judiciary reported back
No. 67, H. R. F. A bill to abolish imprisonment for debt.

No. 58, C. F. A bill to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on incorporations.

No. 59, C. F. Joint resolution fixing the compensation to John B. Russell for printing the Journals of the Council for the session of 1841-42,

Was read a second time.

A motion was made by Mr. Gehon,

To suspend the 13th rule and read said resolution a third time now.

Pending which

A motion was made by Mr. Springer,

To refer said resolution to the committee on printing.

Which was decided in the negative.

The question then recurring on Mr. Gehon's motion to read a third time now,

Was decided in the negative.

A motion was made by Mr. Leffler,

To read said resolution a third time to-morrow.

Which was decided in the affirmative, yeas 8, nays 4.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were

Messrs. Cox, Cook, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson and Elbert, President.

Those who voted in the negative were,

Messrs. Jenkins, Springer, Teas, and Wallace.

On motion of Mr. Leffler,

Ordered, That

No. 75, H. R. F. A joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives, 1841-'42.

Be taken from the table.

A motion was made by Mr. Gehon,

To amend said resolution by striking out the words "six hundred and fifty dollars" and inserting the words "seven hundred and fifty dollars."

Mr. Cook called for a division of the question first on striking out "six hundred and fifty dollars."

Which was decided in the negative, yeas 5, nays 7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Cox, Gehon, Harris, Leffler and Wm. Patterson.

Those who voted in the negative, were

Messrs. Cook, Jenkins, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

So the motion to strike out was lost.

A motion was made by Mr. Wm. Patterson,

To amend said resolution by striking out the words "\$650 00," and inserting "\$700 00."

Mr. Cook, called for a division of the question first on striking out, "six hundred and fifty dollars.

Which was decided in the negative, yeas 6, nays 6.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson, and Wallace.

Those who voted in the negative were,

Messrs. Cook, Jenkins, R. M. G. Patterson, Springer, Teas and Elbert, President.

So the motion to strike out was lost.

On motion of Mr. Cook,

Ordered, That said resolution be read a third time to-morrow.

No. 60, C. F. A bill to to amend an act entitled an act for the incorporation of the Town of Mount Pleasant,

Was read a second time.

On motion of Mr. Wallace,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 81, H. R. F. An act requiring certain county officers to keep their respective offices at the county seat.

Was read a second time.

On motion of Mr. Harris,

Ordered, That said bill be referred to a select committee.

Messrs. Harris, Cook and R. M. G. Patterson, were appointed said committee.

On motion of Mr. Springer,

Ordered, That,

No. 42, C. F. A bill to provide for the election of Justices of the Peace to prescribe their powers and duties and to regulate their proceedings,

Be taken from the table.

A motion was made by Springer,

To amend said bill by inserting as the ninth article, proceedings relative to certiorari.

Which was agreed to.

A motion was made by Mr. Cook,

To amend the 14th section of the 5th article by striking out the words, "before the jury be sworn on the trial submitted to the Justice" and inserting the following at the end of the section, "when the party introducing the instrument shall prove the signature by extrinsic evidence."

Which was agreed to.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary, notify the House accordingly and request thier concurrence.

On motion of Mr. Cook,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 77, H. R. F. An act for the relief of Laurel Summers.

No. 84, H. R. F. An act to authorize Robert M'Kee and Ovid Grennell to construct a dam part way across the Des Moines river.

In which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 55, C. F. An act authorizing the Judge of Probate of Van Buren county to appoint a suitable person to transcribe the Probate records of said county.

I herewith present for your signature,

An act establishing the prices of public Printing.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county,

Being the order of the day, was taken up and considered in committee of the whole.

After some time spent therein, Mr. President resumed the Chair, and Mr. Teas reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with amendments, and ask the concurrence of the Council.

And the question being put, will the Council concur in the amendments?

It was agreed to.

On motion of Mr. Teas,

Ordered that said bill be read a third time to-morrow.

No. 67, H. R. F. A bill to abolish imprisonment for debt.

Was read a second time.

On motion of Mr. Cook.

Ordered, That said bill be read a third time to-morrow.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county,

Was read a second time.

On motion of Mr. Gehon,

Ordered That said resolution be read a third time to-morrow.

No. 56, H. R. F. A bill relative to Mechanics' liens and for other purposes.

No. 73, H. R. F. An act to relocate a part of a Territorial road, in Washington county.

No. 79, H. R. F. An act to incorporate the "Iowa Medical Society,"

No. 57, C. F. An act to amend an act to district the Territory into electoral districts, approved, July 30th 1840.

Were severally read a third time and passed.

Ordered That the Secretary notify the House accordingly and request their concurrence.

No. 77, H. R. F. An act for the relief of Laurel Summers,

Was read a first time.

No. 84, H. R. F. A bill to authorize Robert M'kee and Ovid Grennell to construct a dam part way across the Des Moines river,

Was read a first and secon time.

On motion of Mr. President,

Ordered, That said bill be referred to the committee on Internal Improvements,

On motion of Mr. Cook,

Ordered, That

No. 40, C. F. A bill to regulate Ferries, be taken from the table.

A motion was made by Mr. Gehon,

To amend said bill by inserting the following at the end of the 12th section. "Provided That, Timothy Fanning, of the city of Dubuque, shall not be authorized to extend his Ferry privilege beyond his present limits."

Which was agreed to.

A motion was made by Mr. Springer,

To amend the 3d section of said bill, by authorizing the board of county commissioners to tax skiff ferries such sum as they may think proper.

Which was agreed to.

On motion of Mr. Gehon,

Ordered, That said bill be engrossed and read a third time on Saturday.

On motion of Mr. Wm. Patterson,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, FEBRUARY 2, 1843.

Mr. Wallace from the committee on engrossed bills, reported Nos. 56, 59, 60, C. F., as correctly engrossed.

Mr. R. M. G. Patterson from the committee on Incorporations, reported No. 63, C. F. A bill entitled an act to amend an act for the incorporation of the town of Fort Madison,

Which was read a first time.

Mr. Harris from the select committee appointed for that purpose, reported back with amendments,

No. 81, H. R. F. An act requiring certain county officers to keep their respective offices at the county seat.

Mr. Wm. Patterson on leave being granted, presented the petition of sundry citizens of Fort Madison in Lee county, praying the Legislature to pass a law directing the Warden and officers of the Penitentiary, not to employ the convicts in any work or employment out of the yard or the ground belonging to said Penitentiary.

On motion of Mr. Patterson,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Teas from the committee on the Revision of the Laws, reported No. 64, C. F. A bill defining crimes and punishments,

Which was read a first time.

On motion of Mr. Teas,

Ordered, That the usual number of copies of said bill be printed.

No. 61, C. F. A bill to authorize Isaiah Hinshan to erect a dam across Walnut creek in the county of Jefferson,

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill do lie upon the table.

No. 62, C. F. A bill to prevent injury by Dogs,

Was read a second time.

A motion was made by Mr. Gehon,

To amend said bill by inserting after the word "lamb" in the first section the words "or any other domestic animal,"

Which was agreed to.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the committee on Incorporations.

No. 77, H. R. F. An act for the relief of Laurel Summers,

Was read a second time.

On motion of Mr. Christie,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 81, H. R. F. A bill requiring certain county officers to keep their respective offices at the county seat,

Was read a second time.

A motion was made by Mr. Springer,

To amend said bill by inserting the following at the close of the second section "and provided further that England's addition to the town of Wapello shall be considered as at the county seat of Louisa county, pending which,

On motion of Mr. Cook,

Ordered, That said bill be indefinitely postponed.

On motion of Mr. Springer,

Ordered, That,

No. 46, H. R. F. A bill for the prevention of certain immoral practices, be taken from the table.

On motion of Mr. Harris,

Ordered, That said bill be referred to a select committee of one from each electoral District,

Messrs. Harris, Wallace, Springer, Jenkins, Gehon, Teas, Leffler, Christie, Cook, and Wm. Patterson were appointed said committee.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

Was read a third time.

On motion of Mr. Cox,

Ordered, That said bill be referred to a select committee,

Messrs. Cox, Wallace and R. M. G. Patterson, were appointed said committee.

No. 27, H. R. F. An act to prevent and punish gaming.

No. 67, H. R. F. An act to abolish imprisonment for debt.

No. 75, H. R. F. Joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives 1841, -'42.

No. 56, C. F. An act to establish new counties, and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes.

No. 59, C. F. Joint resolution authorizing pay to John B. Russell for printing Journal of the Council for 1841-'42.

No. 60, C. F. An act to amend an act entitled an act for the incorporation of the town of Mount Pleasant,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county,

Was read a third time.

On motion of Mr. Cox,

Ordered, That said resolution be referred to the committee on claims.

Mr. Harris gave notice that he would on to-morrow or some future day, introduce a bill fixing the salary of the Auditor and Treasurer of this Territory.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, FEBRUARY 3, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 88, H. R. F. An act supplementary to an act entitled an act for the relocation of the county seat of Lee county.

Also with amendments,

No. 39, C. F. An act concerning cost and fees, and

No. 45, C. F. An act relative to promissory notes, bonds, due-bills, and other instruments of writing,

In all of which the concurrence of the Council is requested.

Also without amendments,

No. 44, C. F. A bill to relocate the Territorial road leading from Burlington in Des Moines county via Fort Madison in Lee county, to the bridge on Sugar creek in said county.

I also herewith return

An act to incorporate an academy in Denmark Lee county.

An act regulating Mills and Millers, and for other purposes.

An act defining the jurisdiction of the Supreme and District courts.

I herewith present for your signature,

An act to relocate a part of a Territorial road in Washington county.

An act to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi river at the town of Wyoming.

The same being signed by the Speaker of the House of Representatives.

The House have rejected

No. 57, C. F. An act to amend an act to district the Territory into electoral districts, approved July 30th 1840.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Cox presented the petition of sundry citizens of Jackson Dubuque

and Clayton counties praying, that the charter of the Miners' Bank of Dubuque, may be continued.

On motion of Mr. Cox,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Christie offered the following:

Resolved, That Alfred Sanders, Editor of the Davenport Gazette print two hundred copies of the Journal of the Council, and deliver the same to the secretary of the Territory, within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Sanders the prices established by law.

On motion of Mr. Cook,

Ordered, That said resolution do lie upon the table.

Mr. Springer from the committee on the Judiciary

To whom was referred the petition of sundry citizens of the town of Fort Nadison, praying the passage of a law to prohibit the warden and officers of the penitentiary, from employing the convicts out of the yard and ground belonging to said prison, reported that it is inexpedient to pass any law upon the subject.

The report was concurred in.

Mr. R. M. G. Patterson from the committee on incorporations, reported back

No. 58, C. F. A bill to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river.

Without amendment, and recommend its passage. Also

No. 62, C. F. A. bill to prevent injury by dogs, with one amendment.

Mr. Springer from the committee on the Judiciary reported

No. 65, C. F. A bill defining the number of copies of the laws of the present session to be published and the mode of their distribution.

Which was read a first time.

Mr. Cox from the select committee appointed for that purpose, reported back

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

With one amendment.

Mr. R. M. G. Patterson from the committee on Incorporations, reported

No. 66, C. F. A bill to incorporate the "Iowa City college.

Which was read a first time.

Mr. Wm. Patterson on leave being granted, introduced

No. 67, C. F. A bill to amend the several acts providing for the erection of a penitentiary, &c.

Which was read a first and second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to a select committee of one from each electoral district.

Messrs. Wm. Patterson, Wallace, Teas, Leffler, Cook, Cox, Jenkins, Christie and Springer were appointed said committee.

Mr. Harris according to previous notice, introduced

No 68, C. F. A bill regulating the salary of the Auditor of public accounts and Treasurer of the Territory.

Which was read a first and second time.

On motion of Mr. Harris,

Ordered, That said bill be referred to the committee on Territorial Affairs.

Mr. Wm. Patterson on leave being granted, introduced

No. 69, C. F. A Joint Resolution for the relief of William Stotts.

Which was read a first and second time.

On motion of Mr. Wm. Patterson,

Ordered, That said resolution be referred to the committee on claims.

Mr. Cook from the committee on claims, reported back with one amendment.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county.

Mr. Cook from the committee on enrolled bills, reported

That they had this day presented to the Governor for his approval

An act defining the jurisdiction of the Supreme and District Courts.

An act to incorporate an Academy in Denmark, Lee county. And

An act regulating Mills and Millers, and for other purposes.

No. 63, C. F. An act entitled an act to amend an act for the incorporation of the town of Fort Madison,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered That the Secretary notify the House accordingly and request their concurrence.

No. 62, C. F. A bill to prevent injury by Dogs,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 58, C. F. A bill to authorize Ezra F. Denison and Newton P. Denison to keep a Ferry across the Mississippi river.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be read a third to-morrow.

No. 88, H. R. F. An act supplemental to an act entitled an act for the relocation of the county seat of Lee county.

Which was read a first and second time.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 39, C. F. An act concerning costs and fees,

As amended by the House was taken up, and the amendments concurred in, except the following:

Striking out the word "three" in the third line, and insert the word "four."

Which was decided in the negative, yeas 2, nays 11.

The yeas and nays being desired

Those who voted in the affirmative were,

Messrs. Cox, and Jenkins.

Those who voted in the negative were,

Messrs. Christie, Cook, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

The amendment to the 22d section of said bill was concurred in by striking out the the word "next" and insert "1843."

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—I am directed to inform the Council,

That the House have passed

No. 70, H. R. F. A bill relative to the Probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties.

In which the concurrence of the Council is requested.

And then he withdrew.

No. 78, H. R. F. Joint resolution relative to seals for Delaware county.

Was read a second time.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time and passed.

Ordered, That the Secretary, notify the House accordingly and request thier concurrence.

The President announced a communication from the Governor on Executive business,

When the Council resolved itself into an Executive session.

After a short time spent therein the Executive session rose.

No. 70, H. R. F. A bill relative to the Probate of wills, executors, administrators, guardians, trustees of minors, and Probate courts and for defining their duties.

Was read a first and second time.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Wallace gave notice that he would on to-morrow or some future day introduce

A bill to amend an act entitled an act to authorize R. M. G. Patterson, to establish and keep a ferry across the Mississippi river at the mouth of Nassau slough.

Mr. Wallace asked leave of absence for Mr. Harris, until Monday.

Leave was granted.

Mr. Harris from the select committee appointed for that purpose, reported back without amendment,

No. 46, H. R. F. A bill for the prevention of certain immoral practices.

Which was read a second time.

A motion was made by Mr. Cook,

To strike out the last section.

Which was decided in the affirmative.

A motion was made by Mr. Cook,

To amend said bill by striking out the words "and required" in the fifth section.

Which was decided in the affirmative.

A motion was made by Mr. Leffler,

To strike out the 5th section.

Which was decided in the affirmative, yeas 7, nays 6.

The yeas and nays being desired by Mr. President.

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Springer and Wallace.

Those who voted in the negative were,

Messrs. Christie, Cook, Wm. Patterson, R. M. G. Patterson, Teas, and Elbert, President.

A motion was made by Mr. Leffler,

To amend by striking out the words "in any court of Justice" in the 3d section.

Which was decided in the negative, yeas 5, nays 8.

The yeas and nays being desired by Mr. President,

Those who voted in the affirmative were,

Messrs. Cox, Cook, Gehon, Harris, and Leffler.

Those who voted in the negative were,

Messrs. Christie, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

A motion was made by Mr. Gehon,

To strike out all after the enacting clause,

Which was decided in the negative, yeas 4, nays 9.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Cox, Gehon, Harris, and Leffler.

Those who voted in the negative, were

Messrs. Christie, Cook, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

A motion was made by Mr. Springer,

To read said bill a third time to-morrow.

Which was decided in the affirmative, yeas 9, nays 4.

The yeas and nays being desired by Mr. R. M. G. Patterson,

Those who voted in the affirmative, were

Messrs. Christie, Cook, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative, were
Messrs. Cox, Gehon, Harris and Leffler.

On motion of Mr. Gehon,
The Council adjourned until to-morrow at 2 o'clock, P. M.

SATURDAY, FEBRUARY 4, 1843.

Mr. Wallace from the committee on engrossed bills, reported
Nos. 40, 58, and 62, C. F., as correctly engrossed.

Mr. Cook from the committee on enrolled bills, reported the following
acts as correctly enrolled.

An act to regulate Weights and Measures.

An act to relocate the Territorial Road leading from Burlington in Des
Moines county via Fort Madison in Lee county, to the bridge on Sugar
creek in said county, also,

An act authorizing the Judge of Probate of Van Buren county to ap-
point a suitable person to transcribe the Probate records of said county.

Mr. Springer gave notice that he would on Monday or some future day
introduce

A bill to vacate a part of the plat of the town of Port Allen, and to legal-
ize the relocation of a plat of a Territorial road.

On motion of Mr. Springer,

The resolution in relation to the printing of the Journals of the Council
was taken from the table.

A motion was made by Mr. Cox,

To strike out the name of "Alfred Sanders" and insert "Mr. Crum."

Which was decided in the negative.

A motion was made by Mr. Cox,

That said resolution do lie upon the table.

It was decided in the negative, yeas 6, nays 6.

The yeas and nays being desired by Mr. Cox,

Those who voted in the affirmative were

Messrs. Cox, Gehon, Leffler, Wm. Patterson, R. M. G. Patterson and
Teas.

Those who voted in the negative were,

Messrs. Christie, Cook, Jenkins, Springer, Wallace and Elbert, President.

The question then recurring on the adoption of the resolution,

It was decided in the affirmative,

So it was

Resolved, That Alfred Sanders, Editor of the Davenport Gazette, print two hundred copies of the Journal of the Council and deliver the same to the Secretary of the Territory within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Sanders the prices established by law.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 48, H. R. F. A bill providing for and regulating General Elections.

No. 74, H. R. F. An act to amend an act entitled an act to incorporate the city of Keosauqua.

No. 85, H. R. F. An act to locate a Territorial road from the northern boundary of Missouri to Keosauqua in Van Buren county.

No. 86, H. R. F. A bill to provide for holding elections at St. Peters and other places.

No. 87, H. R. F. An act to incorporate the Jackson county Academy.

No. 93, H. R. F. An act regulating Ferries across English river.

The House have receded from their last amendment, viz: striking out the 22d section of

No. 39, C. F. An act concerning costs and fees,

And insist upon their amendment to the 20th section of said bill.

No. 80, H. R. F. Joint resolution authorizing Hughes & Williams to print the laws of the present session.

No. 60, C. F. An act to amend an act entitled an act for the incorporation of the Town of Mount Pleasant,

No. 38, C. F. An act to regulate weights and measures.

Also with amendments.

No. 42, C. F. An act to provide for the election of Justices of the Peace, to proscribe their powers and duties to regulate their proceedings.

No. 22, C. F. An act subjecting real and personal estate to execution.

In all of which the concurrence of the Council is requested.

I herewith present for your signature,

Joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the House of Representatives 1841,-'42.

An act for the relief of Laurel Summers,

An act to incorporate the "Iowa Medical Society,"

I also herewith return

An act relative to promissory notes, bonds, due-bills, and other instruments of writing,

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 65, C. F. A bill defining the number of copies of the laws of the

present session to be published and the mode of their distribution,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on the Judiciary.
No. 66, C. F. A bill to incorporate the Iowa City College,

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Wallace reported that the committee had, according to order had said bill under consideration and instructed him to report the same without amendment.

On motion of Mr. President,

Ordered, That said bill be referred to the committee on Territorial affairs.

No. 25, H. R. F. An act organizing a board of county commissioners in each county.

No. 46, H. R. F. An act for the prevention of certain immoral practices,

No. 40, C. F. An act regulating Ferries.

No. 58, C. F. An act to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 62, C. F. A bill to prevent injury by Dogs,

Was read a third time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the committee on claims.

No. 22, C. F. An act subjecting real and personal estate to execution,

Was taken up as amended by the House and considered, and the amendments concurred in, except the following:

And by publishing the same in some newspaper printed in the county if there be one for four weeks.

Which was decided in the negative,

The question being put, will the Council concur in the amendment made by striking out the 18th section of said bill,

Which reads as follows:

Personal property taken by virtue of a writ of attachment may be claimed, and such further proceedings thereon had as herein provided, in cases of personal property taken in execution, Provided, that nothing herein shall be construed to prevent the claimant of property taken as aforesaid from seeking his remedy in an action of replevin, detinue, trespass, or trover, and provided further, that no officer shall be liable to any prosecution for taking any good in execution in the possession of the defendant, unless notified or informed of the ownership thereof, previous to the sale of such goods under execution.

Which was decided in the negative.

The question being put,

Will the Council concur in the amendment made to the last section,
Which reads as follows:

This act to take effect from and after the 1st of March next, and that the printers employed to print the laws of this session, print fifteen hundred copies in pamphlet form and have the same ready for distribution by the 16th day of the present month.

Which was decided in the negative,

No. 39, C. F. An act concerning costs and fees,

In which the House insist on their amendment to the 20th section, making it the duty of the clerk of the District Court to tax a Jury fee of four dollars in all cases where the Jury is sworn.

A motion was made by Mr. Cook,

That the Council adhere to their disagreement to the amendment made by the House.

Which was decided in the affirmative.

No. 42, C. F. An act to provide for the election of Justices of the Peace to prescribe their powers and duties and to regulate their proceedings, was taken up as amended by the House.

The question being put,

Will the Council concur in the amendments?

It was agreed to.

No. 48, H. R. F. An act providing for and regulating general elections,

No. 74, H. R. F. An act to amend an act entitled an act to incorporate the city of Keosauqua,

No. 80, H. R. F. Joint resolution authorizing Hughes & Williams to print the Laws of the present Session.

No. 85, H. R. F. An act to locate a Territorial road from the northern boundary of Missouri to Keosauqua in Van Buren county.

No. 86, H. R. F. A bill to provide for holding elections at St. Peters and other places.

No. 87, H. R. F. An act to incorporate the Jackson county Academy.

No. 93, H. R. F. An act regulating Ferries across English river.

Which were severally read a first time.

No. 48, H. R. F. An act providing for and regulating general elections,
Was read a second time.

And on motion of Mr. President,

Ordered, That said bill be referred to the committee on Elections.

Mr. Christie asked leave of absence for Mr. Cook until Tuesday next.

Leave was granted.

On motion of Mr. Wm. Patterson,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, FEBRUARY 6, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

The House have passed

No. 76, H. R. F. An act to incorporate the Muscatine Lyceum.

No. 91, H. R. F. An act to amend an act incorporating the town of Salem in Henry county.

No. 68, H. R. F. A bill to incorporate the "Farmers' Half Breed Land company" in the county of Lee.

No. 72, H. R. F. A bill to relocate the county seat of Clayton county.

No. 52, H. R. F. A bill to prevent damage by the firing of prairies.

No. 36, H. R. F. A bill to authorize Isaac H. Campbell and company to construct a dam across the Des Moines river.

No. 83, H. R. F. A bill authorizing the election of an additional justice and constable in Center township, Henry county.

In which the concurrence of the Council is requested.

Also without amendment,

No. 52, C. F. An act to vacate certain streets in the town of Denmark, Lee county.

No. 59, C. F. Joint resolution authorizing pay to John B. Russell for printing the Journals of the Council for the session of 1841-42, and

No. 63, C. F. An act to amend an act for the incorporation of the town of Fort Madison,

And then he withdrew.

Mr. Gehon presented the petition of sundry citizens of Dubuque county, praying that the affairs of the Miners's Bank of Dubuque may be closed up.

On motion of Mr. Gehon,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Teas presented the petition of sundry citizens of Jefferson county praying for the vacation of a part of a certain Territorial Road.

On motion of Mr. Teas,

Ordered, That said petition be referred to the committee on Roads.

Mr. Gehon from the committee on Internal Improvements, reported

No. 70, C. F. A bill authorizing the several boards of county commissioners, to grant permits for constructing dams across navigable rivers,

Which was read a first time.

Mr. Cook from the committee on claims, reported back

No. 34, H. R. F. A bill for the relief of Walter Butler.

Mr. Cook from the committee on enrolled bills, reported that they did on the 6th inst. present to the Governor for his approval.

An act relative to promissory notes, bonds, due-bills, and other instruments of writing.

Mr. Wallace in accordance with previous notice, introduced No. 71, C. F. A bill to amendatory to an act authorizing R. M. G. Patterson, to keep a ferry,

Which was read a first time.

Mr. Springer in accordance to previous notice introduced No. 72, C. F. A bill to vacate a part of the plat of the town of Port Allen and to legalize the relocation of a part of a Territorial road,

Which was read a first time.

Mr. Wm. Patterson being in the Chair officiating as President.

Mr. Leffler on leave introduced the following:

Resolved, That the Hon. J. D. Elbert be allowed the sum of three dollars per day extra for his services as President of the Council, during the present session of the Legislative Assembly.

Which was unanimously adopted.

No. 74, H. R. F. An act to amend an act to incorporate the city of Keosauqua,

Was read a second time.

On motion of Mr. Jenkins,

Ordered, That said bill be read a third time to-morrow.

On motion of Mr. Leffler,

Ordered, That a committee of conference be appointed relative to the disagreeing votes between the two Houses on

No. 39, C. F. An act concerning costs and fees, and

No. 22, C. F. An act subjecting real and personal estate to execution.

Messrs. Leffler, Teas and Christie were appointed said committee.

No. 80, H. R. F. Joint resolution authorizing Hughes & Williams to print the laws of the present session.

Was read a second time.

A motion was made by Mr. Cook,

To amend said resolution by striking out all after the "resolving" clause and inserting the following:

That the Secretary of the Territory be authorized to contract with the proprietor or proprietors of some press in this Territory for the printing of three thousand copies of the laws of the present session:

Provided, That he shall give the printing of the laws to the press that will execute the work for the lowest price, which shall not exceed the prices established by law. For the purpose of carrying out the object of this resolution the said Secretary is hereby authorized and requested to receive sealed proposals until the first day of March next, for the printing of said laws, at which time the same shall be opened and the contract made with the proprietor or proprietors of the press, proposing to execute the same for the lowest price.

Pending which

On motion of Mr. President,

Ordered, That said resolution and amendment do lie upon the table.

No. 85, H. R. F. A bill to locate a Territorial road from the northern boundary of Missouri to Keosauqua in Van Buren county,

Was read a second time.

On motion of Mr. Jenkins,

Ordered that said bill be read a third time to-morrow.

No. 86, H. R. F. A bill to provide for holding elections at St. Peters and other places.

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be read a third to-morrow.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council that the House have passed,

No. 96, H. R. F. A bill to divorce certain persons therein named,

In which the concurrence of the Council is requested.

And then he withdrew.

No. 87, H. R. F. An act to incorporate the Jackson county Academy.

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be read a third time to-morrow.

No. 93, H. R. F. An act regulating Ferries across English river.

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be read a third time to-morrow.

No. 64, C. F. A bill defining crimes and punishments,

Was read a second time.

On motion of Mr. Cook,

The Council resolved itself into a committee of the whole, for the consideration of said bill.

After sometime spent therein, Mr. President resumed the chair, and Mr. Wallace reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Springer,

Ordered, That the Council resolve itself into an Executive session.

After a short time spent therein the Executive session rose.

On motion of Mr. Wallace,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 34, H. R. F. A bill for the relief of Walter Butler,

Was read a second time.

A motion was made by Mr. Cook,

To amend said bill by inserting after the word "money" in the 2d section "not otherwise appropriated."

It was decided in the affirmative,

A motion was made by Mr. Springer,

To amend said bill by striking out the 2d section.

It was decided in the negative.

On motion of Mr. Springer,

Ordered, That said bill do lie upon the table.

No. 76, H. R. F. A bill to incorporate the Muscatine Lyceum.

Was read a first time.

No. 91, H. R. F. An act to amend an act incorporating the town of Salem in Henry county.

Was read a first and second time.

On motion of Mr. President,

Ordered, That said bill be read a third time to-morrow.

No. 52, H. R. F. A bill to prevent damage by the firing of prairies.

Was read a first time.

No. 83, H. R. F. A bill authorizing the election of an additional justice and constable in Center township, Henry county,

Was read a first and second time.

On motion of Mr. President,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 36, H. R. F. A bill to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river.

No. 72, H. R. F. A bill to relocate the county seat of Clayton county,

Were severally read a first time.

No. 68, H. R. F. A bill to incorporate the Farmers' Half Breed Land company in the county of Lee,

Was read a first and second time.

On motion of Mr. Cox,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 96, H. R. F. A bill to divorce certain persons therein named,

Was read a first and second time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have appointed

Messrs. Newell, Hepner and Felkner, a committee of conference in relation to the disagreeing vote of the two Houses, upon

No. 22, C. F. An act subjecting real and personal estate to execution,

And,

No. 39, C. F. An act concerning costs and fees,

I herewith return

An act to relocate a Territorial road leading from Burlington in Des Moines county via Fort Madison in Lee county, to the bridge on Sugar creek in said county.

An act authorizing the judge of Probate of Van Buren county to appoint a suitable person to transcribe the Probate records of said county. And

An act regulating weights and measures.

The same being signed by the Speaker of the House of Representatives.

The House have agreed to all the amendments made by the Council to

No. 25, H. R. F. An act organizing a board of county commissioners in each county,

Except the amendment to the 20th section to which they have disagreed.

And then he withdrew.

The President then signed the above entitled acts.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

Being returned from the House with their disagreement to the amendment made by the Council to the 20th section, was taken up and being under consideration,

A motion was made by Mr. Cook,

That the Council recede from the amendment to the 20th section.

It was decided in the negative.

On motion of Mr. Springer,

Ordered, That,

No. 70, C. F. A bill authorizing the several boards of county commissioners to grant permits for constructing dams across navigable rivers, be read a second time now.

The bill was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Leffler reported that the committee had according to order said bill under consideration, and instructed him to report the same back with amendments and ask the concurrence of the Council.

The House concurred in the amendments.

On motion of Mr. Cook,

Ordered, That said bill do lie upon the table.

On motion of Mr. Springer,

The Council resumed in committee of the whole the consideration of No. 64, C. F. A bill defining crimes and punishments,

After some time spent therein Mr. President resumed the chair and Mr. Springer reported that the committee had according to order had said bill under consideration and instructed him to report the same back with amendments and ask the concurrence of the Council.

On motion of Mr. Cox,

Ordered, That said bill be referred to the committee on the Judiciary, and Mr. Cook be added to said committee.

On motion of Mr. Springer,

The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, FEBRUARY 7, 1843.

Mr. Springer presented the petition of Stephen Whicher and five others, praying that the Judicial Districts may be so changed as to embrace the county of Scott within the second judicial district.

On motion of Mr. Springer,

Ordered, That said petition do lie on the table.

Mr. Gehon, from the committee on Internal Improvements, reported back without amendment,

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river.

And,

No. 84, H. R. F. An act to authorize Robert M'Kee and Ovid Grennell to construct a dam part way across the Des Moines river.

Mr. Cook from the committee on enrolled bills, reported the following acts as correctly enrolled.

An act to provide for the election of Justices of the Peace, to prescribe their powers and duties to regulate their proceedings.

An act entitled an act to amend an act for the incorporation of the town of Fort Madison.

An act to amend an act entitled an act for the incorporation of the town of Mount Pleasant.

An act to vacate certain streets in the town of Denmark, Lee county.

Joint resolution authorizing pay to John B. Russell for printing the Journal of the Council for 1841-'42.

Mr. Cook from the committee on enrolled bills, reported

That they had on the 6th inst. presented to the Governor for his approval, the following named acts:

An act to regulate weights and measures.

An act authorizing the Judge of Probate of Van Buren county to appoint a suitable person to transcribe the Probate records of said county. Also,

An act to relocate part of a Territorial road from Burlington, via Fort Madison to the bridge on Sugar creek in Lee county.

Mr. Springer from the committee on the Judiciary reported back

No. 96, H. R. F. A bill to divorce certain persons therein named,

Without amendment and the majority of said committee recommend its passage. Mr. Springer from the minority of said committee, recommend its indefinite postponement.

Mr. Wm. Patterson from the committee on Territorial Affairs, reported

No. 66, C. F. A bill to incorporate the "Iowa City college."

Mr. Leffler, from the committee of conference appointed on the part of the Council, to act with a similar committee appointed by the House, upon the disagreement of the two Houses upon the 20th section of

No. 39, C. F. A bill concerning costs and fees,

Have agreed to strike out said section and adopt the following in lieu thereof:

That it shall be the duty of the county commissioners at their next meeting after the passage of this act to order the clerk of the district to tax in the bill of costs of all suits now instituted or hereafter instituted a docket fee to defray the expense of the petit jury, and other contingent expenses of the court not exceeding two dollars and fifty cents, to be paid by the party instituting the suit at the time thereof or by giving security to be approved of by the clerk, for the payment of costs as in other cases; which fee when collected shall be paid into the county treasury quarterly, but such docket fee shall be taxed in the bill of costs and paid by the losing party, Provided, however, That nothing in this section shall be so construed as to authorize the collection of any docket fee in any county, wherein the session of the district court shall not exceed one week unless the county commissioners should otherwise direct.

The committee, recommend to the House to recede from their amendments to the 4th and 18th sections of

No. 22, C. F. An act subjecting real and personal estate to execution,

And have struck out the 1st of March next in the last section and inserted the 20th of February, 1843, relating to the time of taking effect of the same, and have struck out that part of said section providing for the publication of said act.

Mr. Cox, from the committee on Military Affairs, introduced

No. 73, C. F. A bill to organize, discipline and govern the militia,

Which was read a first time.

No. 34, H. R. F. A bill for the relief of Walter Butler,

Was read a second time.

On motion of Mr. Harris,

Ordered, That said bill do lie upon the table.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council, that the House have passed

No. 65, H. R. F. A bill to define the duties of Territorial Agent, and for other purposes.

No. 90, H. R. F. A bill for the relief of petit jurors in certain cases.

Also with amendments.

No. 16, C. F. An act regulating interest on money,
In which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 15, C. F. An act defining the duties of county surveyors.

I herewith present for your signature,

An act granting further time to Henry Harden to file the plat of a Territorial road in the office of the Secretary. And

An act to abolish imprisonment for debt.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 33, H. R. F. A bill to authorize Isaac R. Campbell to construct a dam across the Des Moines river,

Was read a second time.

On motion of Mr. Jenkins,

Ordered That said bill be read a third time to-morrow.

No. 52, H. R. F. A bill to prevent damage by the firing of prairies,

Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill do lie on the table until Tuesday next.

No. 72, H. R. F. A bill to relocate the county seat of Clayton county,

Was read a second time.

On motion of Mr. Gehon,

Ordered, That said bill do lie upon the table.

No. 76, H. R. F. A bill to incorporate the Muscatine Lyceum,

Was read a second time.

On motion of Mr. Harris,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 71, C. F. A bill amendatory to an act authorizing Robert M. G. Patterson to keep a ferry, &c.

Was read a second time.

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary, notify the House accordingly and request their concurrence.

No. 72, C. F. A bill to vacate a part of the plat of the town of Port Allen and to legalize the relocation of a part of a Territorial road,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river,

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered That said bill do lie upon the table.

No. 84, H. R. F. A bill to authorize Robert M'Kee and Ovid Grennell to construct a dam part way across the Des Moines river,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be read a third time to-morrow.

No. 76, H. R. F. A bill to divorce certain persons therein named,

Was read a second time.

On motion of Mr. Gehon,

Ordered, That said bill be referred to a select committee of four members.

Messrs. Gehon, R. M. G. Patterson, Wallace and Leffler, were appointed said committee.

No. 66, C. F. A bill to incorporate the "Iowa City college,"

Was read a second time.

On motion of Mr. Harris,

The Council resolved itself into a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Teas reported that the committee had according to order said bill under consideration, and instructed him to report the same back with amendments and ask the concurrence of the Council.

The Council concurred in the amendments.

A motion was made by Mr. Leffler,

To refer said bill to the committee on incorporations with instructions to strike out all of a sectarian nature in said bill.

Which was decided in the negative.

A motion was made by Mr. Springer,

To amend said bill by striking out the last section, and insert the following: "This act may be altered amended or repealed by any future Legislature, provided, however, that the real estate hereby donated to said college shall not revert to the Territory.

Which was agreed to.

On motion of Mr. President,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 74, H. R. F. An act to amend an act entitled an act to incorporate the city of Keosauqua.

No. 85, H. R. F. An act to locate a Territorial road from the northern boundary of Missouri to Keosauqua in Van Buren county,

No. 86, H. R. F. An act to provide for holding elections at St. Peters and other places.

No. 87, H. R. F. An act to incorporate the Jackson county Academy.

No. 91, H. R. F. An act to amend an act incorporating the town of Salem in Henry county.

No. 93, H. R. F. An act regulating Ferries across English river.

Were severally read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 90, H. R. F. A bill for the relief of Petit Jurors in certain cases,

Was read a first time.

No. 65, H. R. F. A bill to define the duties of Territorial Agent, and for other purposes,

Was read a first and second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to a committee of the whole for consideration this afternoon.

No. 16, C. F. A bill regulating interest on money as amended by the House was taken up.

On motion of Mr. Cook,

Ordered, That said bill do lie upon the table.

Mr. Springer from the committee on the Judiciary, reported back with amendments,

No. 70, H. R. F. A bill relative to the Probate of wills, executors, administrators, guardians, trustees of minors, and Probate courts and for defining their duties.

On motion of Mr. Springer,

Ordered, That said bill be referred to a committee of the whole for this afternoon.

Mr. Harris on leave being granted introduced

No. 74, C. F. A bill to divorce John A. Street from his wife Huldah Street.

Which was read a first and second time.

On motion of Mr. Harris,

Ordered, That said bill be referred to the select committee on Divorces.

On motion of Mr. Springer,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Council resolved itself into an Executive session.

After some time spent therein, the Executive Session rose.

No. 65, H. R. F. A bill to define the duties of Territorial Agent and for other purposes being made the order of the afternoon, was considered in a committee of the whole.

After sometime spent therein, Mr. President resumed the chair, and Mr. Gehon reported, that the committee had according to order had said bill under consideration and instructed him to report the same back to the Council, and ask its concurrence.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be referred to the committee on the Judiciary,

No. 70, H. R. F. A bill relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors and Probate Courts and for defining their duties, being made the order of the afternoon, was considered in a committee of the whole.

After some time spent therein Mr. President resumed the chair and Mr. Wallace reported that the committee had according to order, had said bill under consideration and instructed him to report progress and ask leave to sit again.

Leave was granted.

On motion of Mr. Cook,

Ordered, That

No. 70, C. F. A bill to authorize the several boards of county commissioners, to grant permits for constructing dams across navigable rivers, be taken from the table.

A motion was made by Mr. Cook,

To amend the bill by adding the following as the 11th section,

That this act shall take effect and be in force from and after its passage.

Which was agreed to.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time on Friday.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, FEBRUARY 8, 1843.

Mr. Cox presented the petition of sundry citizens of Jackson county, praying that the affairs of the Miners' Bank of Dubuque may be closed up.

On motion of Mr. Cox,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Cook, on leave being granted, introduced

No. 75, C. F. Joint resolution authorizing the payment of money to the Secretary of the Territory.

Which was read a first time.

Mr. Christie from the committee on elections reported back

No. 48, H. R. F. An act providing for and regulating general elections,

Mr. Gehon from the select committee on divorces, reported back with amendment

No. 96, H. R. F. A bill to divorce certain persons therein named,

Mr. Springer from the committee on the Judiciary, reported back with amendment

No. 65, H. R. F. An act to define the duties of Territorial Agent, and for other purposes.

Mr. Cook from the select committee reported back

No. 65, C. F. A bill defining crimes and punishments,

Mr. Cook from the committee on enrolled bills, reported

No. 15, C. F. An act defining the duties of county surveyors,

As correctly enrolled.

Mr. Wallace from the committee on engrossed bills, reported

No. 72, C. F. As correctly engrossed.

Mr. Wm. Patterson from the committee on Territorial Affairs, reported

No. 68, C. F. A bill regulating the salary of the Auditor of public accounts and Treasurer of the Territory.

On motion of Mr. Teas,

No. 16, C. F. A bill regulating interest on money,

Be taken from the table,

The question being put, on disagreeing to the amendment made by the House to the second section of said bill, viz: striking out the word "ten" and inserting the word "twenty," being the amount of interest which parties may agree to in writing?

It was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Gehon, Harris, Jenkins, R. M. G. Patterson, Teas, and Elbert, President.

Those who voted in the negative were,
Messrs. Cook, Leffler, Wm. Patterson, Springer and Wallace.

The question being put, will the Council disagree to the amendment to the 3d section of said bill by adding at the end of the section "at the rate of six per centum per annum?"

It was decided in the negative, yeas 5, nays 8.

The yeas and nays being desired

Those who voted in the affirmative were
Messrs. Christie, Cook, Jenkins, Springer, and Wallace.

Those who voted in the negative were,
Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

The question being put, will the Council concur in the amendment made by the House to strike out the 4th section of said bill?

It was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative, were
Messrs. Cox, Gehon, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Those who voted in the negative were,
Messrs. Christie, Cook, Leffler, Springer, and Wallace.

The question being put, will the Council concur in the amendment made by the House in striking out the 7th and 8th sections of said bill?

It was decided in the affirmative.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—The House have passed
No. 109, H. R. F. Joint resolution relative to the printing of the Journal of the H. R. of the present session,

No. 89, H. R. F. Joint resolution relative to the printing of the decisions of the Supreme Court.

The House have agreed to the committee of conference upon

No. 22, C. F. An act subjecting real and personal estate to execution.

Also,

No. 39, C. F. An act concerning costs and fees,

The House insist upon their disagreement to the amendment of the Council to the 10th section of

No. 25, H. R. F. An act organizing a board of county commissioners in each county,

And have appointed Messrs. M'Millan, Rogers and Lewis a committee of conference in relation thereto.

The House have also passed with amendments,

No. 40, C. F. An act regulating ferries, and

No. 26, C. F. A bill to amend an act to incorporate the Washington Manufacturing company, also,

No. 14, C. F. An act to provide for changing the venue in civil and criminal cases,

In which the concurrence of the Council is requested.

I herewith return

An act to provide for the election of Justices of the Peace, to prescribe their powers and duties to regulate their proceedings.

An act to amend an act entitled an act for the incorporation of the town of Mount Pleasant.

An act to vacate certain streets in the town of Denmark, Lee county.

An act entitled an act to amend an act for the incorporation of the town of Fort Madison. Also,

Joint resolution authorizing pay to John B. Russell for printing the Journal of the Council for 1841-'42.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 73, C. F. A bill to organize, discipline and govern the militia,

Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 90, H. R. F. A bill for the relief of Petit Jurors in certain cases,

Was read a second time.

A motion was made by Mr. Jenkins,

To amend said bill by including the counties of Van Buren and Dubuque.

It was agreed to.

On motion of Mr. Leffler,

Ordered, That said bill be read a third time to-morrow.

No. 48, H. R. F. A bill providing for and regulating general elections,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to a committee of the whole for this Afternoon.

No. 64, C. F. A bill defining crimes and punishments,

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to a committee of the whole for this afternoon.

No. 65, H. R. F. An act to define the duties of Territorial Agent and for other purposes,

Was read a second time.

A motion was made by Mr. Wm. Patterson,

To amend said bill by striking out the last section.

It was agreed to.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 68, C. F. A bill regulating the salary of the Auditor of Public Accounts and Territorial Treasurer,

Was read a second time.

A motion was made by Mr. Harris,

To amend said bill by striking out the words "two hundred and fifty" and inserting "three hundred" being the salary of the Auditor of Public Accounts.

Mr. Springer called for a division of the question, first on striking out two hundred and fifty.

The question being put,

It was decided in the affirmative, yeas 7, nays 6.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Gehon, Harris, Leffler, Wallace and Elbert, President.

Those who voted in the negative, were

Messrs. Cox, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, and Teas.

The question then recurring on filling the blank with three hundred.

It was decided in the affirmative,

A motion was made by Mr. Springer,

To amend said bill by striking out "two hundred and fifty" and inserting three hundred as the salary for Territorial Treasurer.

It was agreed to.

On motion of Mr. Harris,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 36, H. R. F. An act to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river.

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 96, H. R. F. A bill to divorce certain persons therein named,

Was read a second time.

On motion of Mr. Leffler,

The Council resolved itself into a committee of the whole for the consideration of said bill.

After a short time spent therein, Mr. President resumed the chair, and Mr. Cox reported, that the committee had according to order, had said bill under consideration, and instructed him to report the same back to the Council and ask its concurrence.

The Council concurred in the amendments.

A motion was made by Mr. Gehon,

To amend said bill by striking out the 17th section, which reads as follows:

"That the bonds of matrimony heretofore existing between Edward Earl and Ruth Ann Earl of Washington county are hereby dissolved.

Which was decided in the affirmative, yeas 9 nays 4.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative, were
Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G.
Patterson, Wallace and Elbert, President.

Those who voted in the negative, were
Messrs. Christie, Cook, Springer, and Teas.

A motion was made by Mr. Springer,

To amend said bill by striking out the 1st section,

Which reads as follows:

"That the bonds of matrimony heretofore existing between John Hanna
Armstrong of Des Moines county late of Ohio county, Virginia, and Sally
Armstrong his wife, be and the same are hereby dissolved.

Which was decided in the negative, yeas 5, nays 8.

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Springer, Teas, and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Leffler, Jenkins, Wm. Patterson, R. M. G.
Patterson and Wallace.

A motion was made by Mr. Springer,

To amend said bill by striking out the 2d section which reads as follows:

"That the bonds of matrimony heretofore existing between Bethany Shear-
man of Des Moines county and James Shearman be and the same are here-
by dissolved and that the said Bethany Shearman shall hereafter be known
as Bethany Hall,

Which was decided in the negative.

A motion was made by Mr. Cook,

That the Council adjourn until 2 o'clock, P. M.

It was decided in the negative.

A motion was made by Mr. Leffler,

To dispense with reading the papers in relation to said bill.

It was decided in the affirmative, yeas 8, nays 4.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G.
Patterson and Wallace.

Those who voted in the negative were,

Messrs. Christie, Cook, Springer and Teas.

A motion was made by Mr. Christie,

That the Council adjourn until 2 o'clock P. M.

It was decided in the negative, yeas 5, nays 8.

The yeas and nays being desired

Those who voted in the affirmative were

Messrs. Christie, Cook, Springer, Teas and Elbert, President.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M.
G. Patterson and Wallace.

A motion was made by Mr. Wallace,

That the bill be engrossed and read a third time to-morrow.

It was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative, were
Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M.
G. Patterson, and Wallace..

Those who voted in the negative were,
Messrs. Christie, Cook, Springer, Teas and Elbert, President.

A motion was made by Mr. Wallace,

That the Council adjourn until 2 o'clock, P. M.

It was decided in the affirmative, yeas 11, nays 2.

Those who voted in the affirmative were,

Messrs. Christie, Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson,
R. M. G. Patterson, Springer, Teas and Wallace.

Those who voted in the negative, were

Messrs. Cook, and Elbert, President.

2 O'CLOCK P. M.

No. 84, H. R. F. An act to authorize Robert M'Kee and Ovid Grennell to
construct a dam part way across the Des Moines river.

No. 66, C. F. An act to incorporate the "Iowa City college."

No. 72, C. F. An act to vacate a part of the plat of the town of Port Allen
and to legalize the relocation of a part of a Territorial road,

Were severally read a third time and passed.

Ordered That the Secretary notify the House accordingly and request
their concurrence.

A message from the House of Representatives by Mr. Wallace their
Chief Clerk.

Mr. PRESIDENT:—

I am directed to inform the Council that the House
have passed,

No. 114, H. R. F. A bill to attach Delaware to Dubuque county for Judi-
cial purposes,

No. 106, H. R. F. A bill to locate a certain Territorial road from Cascade
in Dubuque county, to O. A. Olmstead's mill in Delaware county,

No. 102, H. R. F. A bill authorizing the construction of slopes and dams
in skunk river,

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act to incorporate the Jackson county Academy.

An act to amend an act incorporating the town of Mt. Pleasant, in Hen-
ry county.

An act to provide for holding elections at St. Peters and other places.

An act to locate a Territorial road from the northern boundary of Mis-
souri to Keosauqua in Van Buren county.

An act to amend an act to incorporate the city of Keosauqua,
An act authorizing the election of an additional justice and constable in
Center township, Henry county. And,

An act regulating Ferries on English river.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

On motion of Mr. Leffler,

Ordered, That the report of the committee of conference on the disagree-
ing vote between the two Houses on

No. 22, C. F. An act subjecting real and personal estate to execution
be taken from the table.

The question being put,

Will the Council concur in the report of the committee?

It was decided in the affirmative.

No. 48, H. R. F. A bill providing for and regulating general elections,
Being made the order of the afternoon, was considered in a committee of
the whole.

After a short time spent therein, Mr. President resumed the chair, and
Mr. Cook reported, that the committee had according to order, had said bill
under consideration, and instructed him to report the same back to the Coun-
cil and ask its concurrence.

A motion was made by Mr. Cox,

To strike out the amendment made to the 12th section of said bill.

Which reads as follows:

To come in after the word election in the 15th line, "and if any such
person so presenting himself, shall be or claim to be a naturalized foreigner,
he shall at the request of any person who shall have voted in addition to the
foregoing oath, testify as to the time when, the place where, and the court
before, which he was naturalized."

It was decided in the negative yeas 6 nays 7.

The yeas and nays being desired

Those who voted in the affirmative were

Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson and Teas.

Those who voeted in the negative were

Messrs. Christie, Cook, Jenkins, R. M. G. Patterson, Springer, Wallace
and Elbert, President.

A motion was made by Mr. Wallace,

That the Council concur in the amendments made in committee of the
whole on said bill.

It was agreed to.

On motion of Mr. Wallace,

Ordered That said bill be read a third time to-morrow.

No. 109, H. R. F. Joint resolution allowing to B. F. Wallace an addition-
al compensation,

Was read a first and second time.

On motion of Mr. Gehon,

Ordered, That said resolution do lie upon the table.

No. 64, C. F. A bill defining crimes and punishments,
Being made the order of the afternoon, was considered in committee of the whole.

After sometime spent therein, Mr. President resumed the chair, and Mr. Wallace reported, that the committee had according to order had said bill under consideration and instructed him to report the same back with amendment, and ask the concurrence of the Council.

The Council concurred in the amendments.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—

The House have passed with amendments,

No. 18, C. F. An act for the limitation of actions and for avoiding vexatious law suits.

In which the concurrence of the Council is requested.

Also without amendment.

No. 51, C. F. An act regulating practice in the district courts.

The House have disagreed to the amendment of the Council to the 10th section of

No. 65, H. R. F. An act to define the duties of Territorial Agent, and for other purposes.

And have agreed to the other amendment.

The House have also receded from their amendment to the 2d section of

No. 16, C. F. An act regulating interest on money,

And then he withdrew.

On motion of Mr. Leffler,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, FEBRUARY 9, 1843.

Mr. Cox offered the following:

Resolved, That no new business shall be introduced into the Council after Saturday next.

On motion of Mr. Springer,

Ordered, That said resolution do lie upon the table.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House have passed

No. 116, H. R. F. Joint resolution authorizing Wm. Crum to print 1440

copies of the valuation law and also the "act concerning cost and fees" in pamphlet form,

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act defining the duties of county surveyors. And

An act for the prevention of certain immoral practices.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Springer from the committee on the Judiciary, reported back

No. 68, H. R. F. A bill to incorporate the Farmers' Half Breed, Land company in the county of Lee, and

No. 76, H. R. F. A bill to incorporate the Muscatine Lyceum.

Mr. Wallace from the committee on engrossed bills, reported

Nos. 68 and 73, C. F. As correctly engrossed.

Mr. Wallace gave notice that he would on to-morrow ask leave to introduce

A bill to authorize Daniel Smead and Claybourn W. Hughes, to sell certain real estate.

Mr. Cook from the committee on enrolled bills, reported

An act regulating interest on money, and

An act regulating practice in the district courts,

As correctly enrolled.

Mr. Cook from the committee on enrolled bills, reported that they did on the 7th inst. present to the Governor for his approval, the following named acts:

An act to provide for the election of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings.

Joint resolution authorizing pay to John B. Russell for printing the Journal of the Council for 1841-'42.

An act to amend an act entitled an act for the incorporation of the town of Mount Pleasant.

An act entitled an act to amend an act for the incorporation of the town of Fort Madison. Also,

An act to vacate certain streets in the town of Denmark, Lee county.

Mr. Harris from the committee on roads, to whom was referred the petition of sundry citizens of Jefferson county, praying for the vacation of a certain Territorial road reported,

That it is inexpedient to legislate thereon, and ask to be discharged from the further consideration of the subject.

The question being put, shall the committee be discharged?

It was agreed to.

On motion of Mr. Harris,

Ordered, That

No. 34, H. R. F. A bill for the relief of Walter Butler,

Be taken from the table and read a second time.

The bill was then read a second time.

On motion of Mr. Harris,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

The report of the committee of conference on the disagreeing vote of the two Houses on

No. 39, C. F. An act concerning costs and fees,

Was taken from the table and considered.

A motion was made by Mr. Cook,

To strike out the words "unless the county commissioners, should otherwise direct."

It was agreed to.

The question being put, will the Council concur in the report of the committee.

It was agreed to.

No. 75, C. F. Joint resolution authorizing the payment of money to the Secretary of the Territory.

Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 64, C. F. A bill defining crimes and punishments,

Was read a second time.

A motion was made by Mr. Wallace,

That the Council disagree to the amendments made in committee of the whole on yesterday to said bill.

It was decided in the affirmative.

A motion was made by Mr. Cook,

To amend said bill by striking out the 61st section and inserting the following:

"That in all cases when any person shall be convicted of any offence by this act declared criminal and made punishable by imprisonment in the penitentiary or county jail, the judge shall determine from the nature of the case for what period time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the penitentiary or county jail, and shall moreover, determine for what period of time (if any) such convict shall be kept in solitary confinement in the cells of the penitentiary, without labor, and the court shall also render judgment against such convict for the costs of prosecution, and award execution thereon against the goods and chattels, lands and tenements of said convict.

The question being put, will the Council concur in the amendment?

It was decided in the affirmative, yeas 8, nays 5.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative, were

Messrs. Christie, Cox, Cook, Gehon, Harris, Jenkins, Springer and Elbert, President.

Those who voted in the negative, were
Messrs. Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Wallace.
A motion was made by Mr. Wallace,

To amend said bill by striking out the word "death" (being the punishment for murder,) and insert the words "solitary confinement for life."

It was decided in the negative, yeas 4, nays 9.

The yeas and nays being desired,

Those who voted in the affirmative, were
Messrs. Christie, Harris, Leffler and Wallace.

Those who voted in the negative, were
Messrs. Cox, Cook, Gehon, Jenkins, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 68, H. R. F. A bill to incorporate the "Farmers' Half Breed Land company" in the county of Lee.

Was read a second time.

On motion of Mr. Wm. Patterson,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Teas reported that the committee had according to order said bill under consideration, and instructed him to report the same back to the Council with amendments and ask its concurrence.

The Council concurred in the amendments.

A motion was made by Mr. Leffler,

To amend said bill by inserting the following as the 17th section.

That no sum or sums of money received in payment for stock or otherwise, under the provisions of this act shall be applied directly or indirectly to aid in the prosecution of a proceeding in Chancery now pending in the District Court of Lee county, wherein Meek and others are complainants, and Spalding and others are respondents; nor in anywise in any legal proceeding or otherwise, in opposition to a decree rendered by said court, partitioning and allotting the Half Breed lands lying in the said county of Lee, wherein Spalding and others are petitioners, and Antaya and others are defendants. That if the Directors, or any officer or stockholder of the company aforesaid shall violate the provisions of this section by paying over for the purposes last aforesaid, any moneys received under the provisions of this act, then they shall forfeit double the sum so paid to be recovered on the information of any person or persons suing in the name of the "Half Breed Land Company," before any court of competent jurisdiction.

It was decided in the negative yeas 6 nays 7.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative were
Messrs. Christie, Cox, Cook, Gehon, Leffler and Springer.

Those who voted in the negative were

Messrs. Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Teas, Wallace and Elbert, President.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 76, H. R. F. A bill to incorporate the Muscatine Lyceum,

Was read a second time.

On motion of Mr. Harris,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr. Harris,

Ordered, That the report of the committee on claims, on the account of James M. Hawkins late Post Master at Iowa City be taken from the table.

The report was considered.

On motion of Mr. Springer,

Ordered, That the committee on claims, be instructed to report a bill allowing the claim with interest.

No. 48, H. R. F. A bill providing for and regulating general elections,

Was read a third time.

A motion was made by Mr. Leffler,

That said bill be referred to a select committee,

It was agreed to.

Messrs. Leffler, Cook and Jenkins, were appointed said committee.

On motion of Mr. Wallace,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT: —

The House have passed,

No. 101, H. R. F. An act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi river at Dubuque.

No. 103, H. R. F. An act to relocate a part of the Territorial road from Davenport to Marion.

No. 104, H. R. F. An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville.

No. 105, H. R. F. An act to establish a Territorial road from Birmingham in Van Buren county to the Indian Agency.

In which the concurrence of the Council is requested.

Also without amendment,

No. 58, C. F. An act to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river, and

No. 71, C. F. A bill amendatory to an act authorizing R. M. G. Patterson, to keep a ferry,

And then he withdrew.

No. 90, H. R. F. An act for the relief of Petit Jurors in certain cases,

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

Mr. Gehon moved a call of the Council, which was had, and on the roll being called,

Messrs. Cox, Harris and Springer being absent the Sergeant-at-arms was directed to require their attendance.

After a short time the absentees appearing.

On motion,

A further call of the Council was suspended.

No. 96, H. R. F. An act to divorce certain persons therein named,

Was read a third time.

And the question being put,

Shall the bill pass.

It was decided in the affirmative.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative were

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Wallace.

Those who voted in the negative were

Messrs. Christie, Cook, Springer, Teas and Elbert, President.

So the bill passed.

Ordered, That the Secretary notify the House accordingly.

No. 68, C. F. An act regulating the salary of the Auditor of Public Accounts and Territorial Treasurer,

Was read a third time.

A motion was made by Mr. Teas,

To refer said bill to the committee on Finance.

It was decided in the negative.

The question then recurring on the passage of the bill.

It was decided in the affirmative, yeas 10, nays 2.

The yeas and nays being desired by Mr. Teas,

Those who voted in the affirmative, were

Messrs. Christie, Cox, Cook, Gehon, Harris, Jenkins, Leffler, R. M. G. Patterson, Wallace and Elbert President.

Those who voted in the negative, were

Messrs. Wm. Patterson and Teas.

No. 73, C. F. An act to organize, discipline and govern the militia,

Was read a third time.

On motion of Mr. Wallace,

Ordered, That said bill do lie upon the table.

No. 70, H. R. F. A bill relative to the Probate of Wills, Executors, Ad-

ministrators, Guardians, Trustees of Minors and Probate Courts and for defining their duties, being resumed in committee of the whole.

After sometime spent therein, Mr. President resumed the chair, and Mr. Wallace reported progress, and asked leave to sit again.

Leave was granted.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

The house have agreed to the amendment of the Council to the report of the committee of conference relative to

No. 39, C. F. An act concerning costs and fees,

And then he withdrew.

No. 65, H. R. F. An act to define the duties of Territorial Agent and for other purposes,

In which the House disagreed to the amendment made by the Council to strike out the 10th section of said bill, was taken up and considered.

A motion was made by Mr. Springer,

That the Council recede from their amendment,

It was agreed to.

No. 18, C. F. A bill for the limitation of actions and for avoiding vexatious law suits, as amended by the House was taken up, and the amendment concurred in.

No. 14, C. F. An act to provide for changing the venue in civil and criminal cases, in which the House amended the 11th section, was considered and the amendment concurred in.

No. 26, C. F. A bill to amend an act to incorporate the Washington Manufacturing company, as amended by the House by adding two sections to said bill, was taken up and the amendment considered and concurred in.

No. 40, C. F. An act Regulating Ferries was taken up as amended by the House, and considered and concurred in, except the amendment to the 7th section, which was disagreed to.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county, in which the House insist on their disagreement to the amendment made by the Council to the 10th section of said bill.

The President appointed

Messrs. Gehon, Wallace and Wm. Patterson,

A committee of conference on the part of the Council, to act with a similar committee appointed on the part of the House in relation to the disagreeing vote on said bill.

No. 89, H. R. F. Joint resolution relative to the printing of the decisions of the Supreme Court.

Was read a first and second time.

A motion was made by Mr. Wallace,

To strike out the proviso to said Resolution.

It was decided in the negative,

On motion of Mr. Cook,

Ordered, That said resolution be read a third time to-morrow.

No. 101, H. R. F. An act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi river at Dubuque.

No. 104, H. R. F. An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville.

No. 106, H. R. F. A bill to locate a certain Territorial road from Cascade in Dubuque county, to O. A. Olmstead's mill in Delaware county,

No. 114, H. R. F. A bill to attach Delaware to Dubuque county for Judicial purposes.

No. 116, H. R. F. Joint resolution authorizing Wm. Crum to print 1440 copies of the valuation law, and the act concerning costs and fees in pamphlet form,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 102, H. R. F. A bill authorizing the construction of slopes in mill-dams in skunk river,

Was read a first and second time.

On motion of Mr. Leffler,

Ordered, That said bill do lie upon the table.

No. 103, H. R. F. An act to relocate a part of the Territorial road from Davenport to Marion.

Was read a first and second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on Roads.

No. 105, H. R. F. An act to establish a Territorial road from Birmingham in Van Buren county to the Indian Agency.

Was read a first and second time.

A motion was made by Mr. Teas,

To amend said bill by striking out the name of "John J. Mudget" and inserting the name of "Tobias Moore."

It was agreed to.

On motion of Mr. Jenkins,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 62, H. R. F. An act to authorize Arthur Thomas and others to erect a dam part way across the Des Moines river.

Was taken from the table and read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 109, H. R. F. Joint resolution allowing B. F. Wallace an additional compensation,

Was taken from the table and considered.

A motion was made by Mr. Leffler,

To amend said Resolution by allowing Joseph T. Fales Secretary of the Council an additional compensation of one hundred and fifty dollars.

It was agreed to.

On motion of Mr. Springer,

Ordered That said resolution do lie upon the table.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

The House have agreed to the amendment of the Council to No. 90, H. R. F. A bill for the relief of petit jurors in certain cases, except so much thereof as relates to the county of Dubuque, to which they have disagreed.

I herewith return

An act regulating interest on money.

An act regulating practice in the District Courts.

I also herewith present for your signature,

An act to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

Mr. Cook gave notice that he would on to-morrow or some future day ask leave to introduce,

A bill to regulate conveyances.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, FEBRUARY 10, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—The House have passed

No. 94, H. R. F. An act to encourage the destruction of wolves, and

No. 108, H. R. F. A bill for the organization of county Medical Societies and to regulate the practice of Physic and Surgery,

In which the concurrence of the Council is requested.

And then he withdrew.

Mr. Leffler from the select committee appointed for that purpose, reported back with amendments

No. 48, H. R. F. A bill providing for and regulating general elections,

Mr. Wallace from the committee on engrossed bills, reported

Nos. 64 & 70, C. F. as correctly engrossed.

Mr. Wallace from the committee on Finance reported back with amendments

No. 45, H. R. F. A bill to provide for assessing and collecting county and Territorial revenue.

Mr. Cook from the committee on enrolled bills, reported

An act to authorize Ezra F. Denison to keep a ferry across the Mississippi river.

An act amendatory to an act authorizing Robert M. G. Patterson to keep a ferry, &c. Also,

An act subjecting real and personal estate to execution.

As correctly enrolled.

Mr. Cook from the committee on enrolled bills, reported that they did on the 9th inst. present to the Governor for his approval, the following named acts.

An act defining the duties of county surveyors.

An act regulating interest on money, and

An act regulating practice in the district courts,

Mr. Cook from the committee on claims, reported

No. 76, C. F. Joint resolution for the relief of James M. Hawkins deceased,

Which was read a first time.

Mr. Cook on leave being granted, introduced,

No. 77, C. F. A bill to regulate conveyances,

Which was read a first time.

Mr. Cook presented the account of A. Logan, for publishing proclamation, &c.

Which was read and referred to the committee on claims.

Mr. Springer from the committee on the Judiciary, reported back with amendments

No. 65, C. F. A bill defining the number of copies of the laws of the present session to be published and the mode of their distribution.

Mr. Jenkins gave notice that he would on to-morrow or some future day, introduce

A bill to legalize the acts of Cyrus Gibson, a Justice of the Peace in Van Buren county.

No. 48, H. R. F. A bill providing for and regulating general elections, as amended by the select committee,

Was read a second time.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary, notify the House accordingly.

No. 48, H. R. F. A bill to provide for assessing and collecting county and Territorial revenue, as amended by the committee on Finance.

Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

No. 65, C. F. A bill defining the number of copies of the laws of the present session to be published and the mode of their distribution,

As amended by the committee on the Judiciary.

Was read a second time.

A motion was made by Mr. Gehon,

To amend said bill by allowing Du Buque county 150 copies of the laws of a general nature.

It was agreed to.

On motion of Mr. Springer,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 70, C. F. A bill to authorize the several boards of county commissioners, to grant permits for constructing dams across navigable rivers,

No. 75, C. F. Joint resolution authorizing the payment of money to the Secretary of the Territory.

No. 89, H. R. F. Joint resolution relative to the printing of the decisions of the Supreme court.

No. 64, C. F. An act defining crimes and punishments,

Were severally read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 90, H. R. F. A bill for the relief of Petit Jurors in which the House disagree to the amendment made by the Council to the first section, was considered.

A motion was made by Mr. Gehon,

That the Council insist on their amendment.

It was agreed to.

No. 94, H. R. F. An act to encourage the destruction of wolves,

Was read a first and second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Springer reported that the committee had according to order said bill under consideration, and instructed him to report the same back to the Council with all stricken out after the enacting clause, and ask the concurrence of the Council.

A motion was made by Mr. Cook,

That the Council do not concur in the amendment made by the committee.

It was decided in the negative, yeas 5, nays 7.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Gehon, Jenkins and Springer,

Those who voted in the negative were,

Messrs. Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Teas, Wallace and Elbert, President.

On motion of Mr. Wallace,

Ordered, That the enacting clause of said bill do lie upon the table.

No. 108, H. R. F. A bill for the organization of county Medical Societies, and to regulate the practice of Medicine and Surgery,

Was read a first and second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to a select committee of three consisting of the President and two other members.

The President appointed Messrs. Springer and Wm. Patterson.

On motion of Mr. Springer,

The Council resumed in committee of the whole the consideration of No. 70, H. R. F. A bill relative to the Probate of wills, executors, administrators, guardians, trustees of minors, and Probate courts and for defining their duties.

After a short time spent therein, Mr. President resumed the chair, and Mr. Wallace, reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Springer,

The Council resolved itself into an Executive session.

After some time spent therein, the Executive Session rose.

On motion of Mr. Wallace,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Springer,

The Council resumed in committee of the whole the consideration of No. 70, H. R. F. A bill relative to the Probate of wills, executors, administrators, guardians, trustees of minors and Probate courts, and for defining their duties.

After some time spent therein Mr. President resumed the chair and Mr. Cook reported that the committee had according to order, had said bill under consideration and instructed him to report the same back with sundry amendments, and ask the concurrence of the Council.

The question being put,

Will the Council concur in the amendments?

It was decided in the affirmative.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly,

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—The House have passed

No. 100, H. R. An act donating out lot No. 10 in Iowa City to the citizens thereof.

No. 107, H. R. F. An act to locate a Territorial road from Iowa City to the Des Moines river.

No. 113, H. R. Joint resolution fixing the compensation of George S. Hampton for services rendered the House of Representatives.

No. 100, H. R. Joint Resolution allowing Wilson & Keesecker additional compensation for printing the Journals of the House of Representatives of last session.

No. 115, H. R. F. A bill for the relief of securities of public officers in certain cases.

In which the concurrence of the Council is requested.

I herewith return.

An act to authorize Ezra F. Denison and Newton P. Denison, to keep a ferry across the Mississippi river.

An act amendatory to an act authorizing Robert M. G. Patterson to keep a ferry, and

An act subjecting real and personal estate to execution.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 100, H. R. F. An act donating out lot No 10 in Iowa City to the citizens thereof,

Was read a first and second time.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, for the consideration of said bill.

After sometime spent therein, Mr. President, resumed the chair and Mr. Springer, reported that the committee had according to order, had said bill under consideration and instructed him to report the same back with amendments and ask the concurrence of the Council.

The Council concurred in the amendments.

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 107, H. R. F. A bill to locate a Territorial road from Iowa City to the Des Moines river.

Was read a first and second time.

On motion of Mr. Wallace,

Ordered, That said bill do lie upon the table.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

The House have appointed Messrs. Robertson, Blair and Newell a committee of conference in relation to the disagreeing vote of the two House upon.

No. 25, H. R. F. A bill organizing a board of county commissioners in each county.

The house insist on their amendment to the 7th section of No. 40, C. F. An act regulating ferries.

The House have agreed to all the amendments to

No. 45, H. R. F. An act to provide for assessing and collecting county and Territorial revenue,

Except the 3d amendment to the 18th section, and the amendment to the 52d section to which they have disagreed.

And then he withdrew.

No. 110, H. R. F. Joint resolution allowing Wilson & Keesecker additional compensation for printing the Journals of the House of Representatives of last session.

Was read a first and second time.

On motion of Mr. Gehon,

Ordered, That said resolution do lie on the table.

No. 113, H. R. F. Joint Resolution fixing the compensation of George S. Hampton for services rendered the House of Representatives.

Was read three times and passed.

Ordered, That the Secretary notify the House accordingly.

No. 115, H. R. F. A bill for the relief of securities of public officers in certain cases,

Was read a first and second time.

On motion of Mr. Springer,

Ordered, That said bill be referred to the committee on Finance.

No. 40, C. F. An act regulating ferries,

In which the House insist on their amendment to the 7th section was taken up and considered.

On motion of Mr. Springer,

Ordered, That a committee of conference be appointed in relation to the disagreeing vote on said bill.

The President appointed Messrs. Springer, Jenkins and R. M. G. Patterson, said committee.

No. 45, H. R. F. An act to provide for the assessing and collecting county and Territorial revenue,

In which the House disagree to the amendments to the 18th and 52d sections, was taken up and considered.

On motion of Mr. Wallace,

Ordered, That the Council recede from their amendments.

On motion of Mr. Gehon,

Ordered, That

No. 72, H. R. F. A bill to relocate the county seat of Clayton county, Be taken from the table.

A motion was made by Mr. Gehon,
To amend said bill by adding a section.

It was agreed to.

On motion of Mr. Gehon,

Ordered, That the 13th rule be suspended and the bill be read a third

now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

Mr. Cook from the committee on enrolled bills, reported as correctly enrolled,

An act concerning costs and fees.

On motion of Mr. Gehon,

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, FEBRUARY 11, 1843.

Mr. Christie from the committee on the revision of the laws, reported No. 78, C. F. Joint resolution ordering the re-printing of certain acts therein named.

Which was read a first time.

On motion of Mr. Wallace,

Ordered, That the usual number of copies of said resolution be printed.

Mr. Cook from the committee on enrolled bills, reported as correctly enrolled,

An act to provide for changing the venue in civil and criminal cases.

An act to amend an act to incorporate the Washington Manufacturing company.

Mr. Cook from the committee on enrolled bills, reported that they did on the 10th inst. present to the Governor for his approval, the following named acts.

An act subjecting real and personal estate to execution.

An act amendatory to an act authorizing Robert M. G. Patterson to keep a ferry, &c.

An act to authorize Ezra F. Denison and Newton P. Denison, to keep a ferry across the Mississippi river, and

An act concerning costs and fees,

Mr. Wallace from the committee on engrossed bills, reported

No. 65, C. F. as correctly engrossed.

No. 76, C. F. Joint resolution for the relief of James M. Hawkins,

Was read a second time.

On motion of Mr. Gehon,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 77, C. F. A bill to regulate conveyances,
Was read a second time.

On motion of Mr. Cook,

Ordered, That said bill be engrossed and read a third time on Monday.

No. 65, C. F. An act defining the number of copies of the laws of the present session to be published and the mode of their distribution,
Was read a third time.

Mr. Springer by the unanimous consent of the Council, amended said bill by adding the following at the end of the first section, "To be bound after the manner of the volume of the laws, enacted at the first session of the Legislative Assembly in 1838-39.

The bill as amended passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

On motion of Mr. Harris,

Ordered, That

No. 80, H. R. F. Joint resolution authorizing Hughes & Williams to print the Laws of the present Session,

Be taken from the table, and read together with the amendment, offered by Mr. Cook, on the 6th inst.

A motion was made by Mr. Gehon,

To amend the amendment by inserting after the word "Session," "and Journal of the Council and House of Representatives."

It was decided in the affirmative, yeas 10, nays 3.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative, were

Messrs. Cox, Cook, Gehon, Harris, Jenkins, Leffler, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative were,

Messrs. Christie, Wm. Patterson, and R. M. G. Patterson.

A motion was made by Mr. Springer,

To amend said resolution by inserting after the word "print," "two thousand five hundred copies of the laws of a general nature, and one thousand copies of the laws of a local and private nature."

It was agreed to.

A motion was made by Mr. Cook,

To refer said resolution to a select committee.

It was decided in the negative, yeas 3, nays 10.

The yeas and nays being desired

Those who voted in the affirmative were,

Messrs. Christie, Cook and Wallace.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

The question then recurring on Mr. Cook's amendment as amended.

It was decided in the negative, yeas 4, nays 9.

The yeas and nays being desired

Those who voted in the affirmative were Messrs. Cox, Cook, Springer, and Wallace.

Those who voted in the negative, were Messrs. Christie, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Mr. Springer offered the following as a substitute.

Resolved, By the Council and House of Representative of the Territory of Iowa, that

Be employed to print two thousand five hundred copies of the laws of a general nature, passed at the present session of the Legislative Assembly, together with the laws of a general nature now in force—at the prices and in the manner prescribed by law.

Resolved, further that

Be employed to print in pamphlet form one thousand copies of the acts of a local and private nature, passed at the present session of the Legislative Assembly—at the prices prescribed by law.

It was decided in the negative, yeas 6 nays 7.

The yeas and nays being desired by Mr. Cook,

Those who voted in the affirmative were Messrs. Christie, Cook, Springer, Teas, Wallace and Elbert, President.

Those who voted in the negative, were Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, and R. M. G. Patterson.

A motion was made by Mr. Jenkins,

To refer said resolution to a select committee.

It was decided in the negative.

A motion was made by Mr. Wallace,

To amend said resolution by striking out the names of "Hughes & Williams" and inserting "Wilson & Keesecker."

It was decided in the negative yeas 2, nays 10.

The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative were, Messrs. Cook and Wallace.

Those who voted in the negative, were Messrs. Christie, Cook, Gehon, Harris, Jenkins, Leffler, R. M. G. Patterson, Springer, Teas and Elbert President.

A motion was made by Mr. Wallace,

To amend said resolution by striking out the words "Hughs & Williams" and inserting "John B. Russell."

Mr. Leffler called for a division of the question, first upon striking out, and the question being taken,

It was decided in the negative, yeas 4, nays 9.

The yeas and nays being desired,

Those who voted in the affirmative were, Messrs. Christie, Cook, Springer and Wallace.

Those who voted in the negative were,

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

So the motion to strike out was lost.

A motion was made by Mr. Springer,

To amend said resolution by striking out the words "three thousand" and inserting "two thousand five hundred copies of the laws of a general nature and one thousand copies of the laws of a local nature."

It was agreed to.

On motion of Mr. Gehon,

Ordered, That the 13th rule be suspended and said resolution be read a third time now.

The resolution was then read a third time.

And the question being put,

Shall the resolution pass?

It was decided in the affirmative yeas 9, nays 4.

The yeas and nays being desired

Those who voted in the affirmative were

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Those who voted in the negative were

Messrs. Christie, Cook, Springer and Wallace.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

I herewith return,

An act concerning costs and fees,

The same being signed by the Speaker of the House of Representatives.

The House have passed,

No. 97, H. R. F. An act to locate a Territorial road in Henry and Washington counties, and to vacate a part of a Territorial road in said counties.

No. 119, H. R. F. An act to locate a certain territorial road therein named. In which the concurrence of the Council is requested.

Also without amendment,

No. 25, C. F. An act relative to the time of taking effect of the laws of the present session, and

No. 33, C. F. An act concerning mortgages.

I herewith present for your signature,

Memorial for an appropriation for a canal at each of the rapids of the Mississippi river,

An act to prevent and punish gaming,

An act for the relief of Walter Butler,

An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville,

An act to locate a certain Territorial road from Cascade in Dubuque county, to O. A. Olmstead's mill in Delaware county,

An act to establish a Territorial road from Birmingham in Van Buren county to the Indian Agency,

An act supplemental to an act entitled an act for the relocation of the county seat of Lee county.

An act to authorize Robert M'Kee and Ovid Grennell to construct a dam part way across the Des Moines river,

An act to incorporate the "Farmers' Half Breed Land company" in the county of Lee,

An act to attach Delaware to Dubuque county for Judicial purposes,

Joint resolution relative to the printing of the decisions of the Supreme Court.

Joint resolution authorizing Wm. Crum to print 1440 copies of the valuation law, and the act concerning costs and fees in pamphlet form,

Joint resolution relative to the seals for Delaware county,

An act to divorce certain persons therein named,

An act relative to mechanics' liens, and other purposes,

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts and resolutions.

No. 97, H. R. F. An act to locate a Territorial road in Henry and Washington counties, and vacate a part of a certain Territorial road in said counties.

Was read three times and passed.

Ordered, That the Secretary notify the House accordingly.

No. 119, H. R. F. An act to locate a certain Territorial road therein named.

Was read a first and second time.

And laid on the table.

The President announced a communication from the Governor on Executive business.

On motion of Mr. Springer,

Ordered, That the Council resolve itself into an Executive session.

After a short time spent therein the Executive session rose.

On motion of Mr. Jenkins,

Ordered, That

No. 109, H. R. F. Joint resolution allowing B. F. Wallace and Joseph T. Fales an additional compensation,

Be taken from the table.

On motion of Mr. Leffler,

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time, and the question being put, shall the Resolution pass?

It was decided in the affirmative, yeas 11, nays 2.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative, were

Messrs. Christie, Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas, Wallace and Elbert, President.

Those who voted in the negative were,
Messrs. Cook, and Springer.

So the resolution passed.

Ordered, That the Secretary, notify the House accordingly.

On motion of Mr. Gehon,

No. 110, H. R. Joint Resolution allowing Wilson & Keesecker additional compensation for printing the Journals of the House of Representatives of last session.

Was taken from the table.

On motion of Mr. Gehon,

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time,

And the question being put, shall the resolution pass?

It was decided in the affirmative, yeas 9, nays 3.

The President was excused from voting.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Cox, Cook, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Springer.

Those who voted in the negative were

Messrs. Christie, Teas and Wallace.

So the resolution passed.

Mr. Jenkins on leave being granted introduced

No. 79, C. F. A bill to legalize the acts of Cyrus Gibson, a Justice of the Peace in Van Buren county.

Which was read a first and second time.

On motion of Mr. President,

Ordered, That said bill be indefinitely postponed.

On motion of Mr. Wallace,

Ordered, That

No. 102, H. R. F. A bill authorizing the construction of slopes in mill-dams in skunk river,

Be taken from the table.

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr. Teas,

Ordered, That

No. 62, C. F. A bill to authorize Isaiah Hinshaw to erect a dam across Walnut creek in the county of Jefferson,

Be taken from the table.

On motion of Mr. Teas,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

On motion of Mr. Christie,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, FEBRUARY 13, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT: —

The House have amended the proviso to the 9th section of

No. 72, H. R. F. A bill to relocate the county seat of Clayton county, Said proviso being an amendment of the Council to said bill.

The House have passed,

No. 118, H. R. F. A bill to relocate a part of a part of a Territorial road leading from Burlington to Iowa City.

Also with amendment,

No. 66, C. F. A bill to incorporate the "Iowa City college,"

Also without amendment,

No. 72, C. F. An act to vacate a part of the plat of the town of Port Allen and to legalize the relocation of a part of a Territorial road,

I also herewith present for your signature,

An act to provide for changing the venue in civil and criminal cases,

An act to amend an act to incorporate the Washington Manufacturing company,

An act to define the duties of Territorial Agent, and for other purposes.

An act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi river at Dubuque.

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

Mr. Wm. Patterson presented the petition of sundry citizens of Lee and Des Moines counties praying the Legislature to grant a charter to Joseph Woodward and Jason Wilson to keep a ferry across Skunk river, at Wilson's mill.

On motion of Mr. Wm. Patterson,

Ordered, That said petition be referred to the Delegation from Lee and Des Moines counties.

Mr. Wallace from the committee on engrossed bills, reported

No. 77, C. F. An act regulating conveyances, as correctly engrossed.

Mr. Wallace from the committee on Finance reported back with amendments.

No. 115, R. R. F. A bill for the relief of securities of public officers in certain cases.

Mr. R. M. G. Patterson from the committee on Incorporations reported

A bill to authorize John Troxell to erect a dam across Skunk River,

Which was laid on the table.

Mr. Cook from the committee on enrolled bills, reported as correctly enrolled,

An act for the limitation of actions and for avoiding vexatious law suits.

An act relative to the time of taking effect of the laws of the present session, also

An act concerning mortgages.

Mr. Cook from the committee on claims, reported

No. 81, C. F. Joint resolution for the relief of A. Logan.

Which was read a first time.

No. 115, H. R. F. A bill for the relief of securities of public officers in certain cases,

Was read a second time.

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the bill be read a third now.

The bill was then read a third time and passed.

No. 77, C. F. An act to regulate conveyances,

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

No. 66, C. F. An act to incorporate the "Iowa City College," as amended by the House, was taken up and the amendments considered, and concurred in.

No. 118, H. R. F. A bill to relocate a part of a Territorial road leading from Burlington to Iowa City.

Was read three times and passed.

Ordered, That the Secretary notify the House accordingly.

No. 73, C. F. An act to organize, discipline and govern the militia,

Was read a third time, and the blanks all filled, with \$5 and 50 dollars.

The bill was then read as amended and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

Mr. Cook from the committee on enrolled bills, reported

An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road,

As correctly enrolled.

Mr. Wallace according to previous notice introduced

No. 82, C. F. A bill authorizing Daniel Smead and Claybourn W. Hughes, to sell certain real estate.

Which was read a first and second time and referred to the committee on the Judiciary.

On motion of Mr. R. M. G. Patterson,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Wallace moved a call of the Council, which was had and the roll being called, it appeared that Messrs. Christie, Cox, Gehon, Harris, Leffler and R. M. G. Patterson were absent, the absentees appearing,

On motion of Mr. Wallace,

A further call of the Council was suspended.

No. 78, C. F. Joint resolution ordering the re-printing of certain acts therein named,

Was read a second time.

On motion of Mr. Springer,

Ordered, That said resolution be referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—The House have passed

No. 125, H. R. F. An act to legalize the acts of certain road commissioners in Washington county.

No. 121, H. R. F. An act allowing and regulating writs of attachment.

Also with amendments,

No. 64, C. F. A bill defining crimes and punishments,

No. 70, C. F. A bill authorizing the several boards of county commissioners to grant permits for constructing dams across navigable rivers,

In which the concurrence of the Council is requested.

Also without amendment,

No. 75, C. F. Joint resolution authorizing the payment of money to the Secretary of the Territory.

I herewith present for your signature,

An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors and Probate Courts and for defining their duties.

A bill providing for and regulating general elections.

An act to provide for assessing and collecting county and Territorial Revenue.

An act authorizing Arthur Thomas and others to erect a dam part way across the Des Moines river.

An act authorizing the construction of slopes in mill-dams in skunk river.

An act donating out lot No. 10 in Iowa City to the citizens thereof.

An act for the relief of Petit Jurors in certain cases,

An act to authorize Robert McKee and Ovid Grennell to construct a dam part way across the Des Moines river.

Joint resolution allowing B. F. Wallace and Joseph T. Fales an additional compensation.

Joint Resolution allowing Wilson & Keesecker additional compensation for printing the Journals of the House of Representatives of last session.

Joint Resolution fixing the compensation of George S. Hampton for services rendered the House of Representatives.

Joint resolution authorizing Hughes & Williams to print the Laws of the present Session,

The same being signed by the Speaker of the House of Representatives.

I herewith return

An act relative to the time of taking effect of the laws of the present session.

An act concerning Mortgages.

An act to vacate a part of the plat of the town of Port Allen and to legalize the relocation of a part of a Territorial road,

And then he withdrew.

The President then signed the above entitled acts.

No. 121, H. R. F. An act allowing and regulating writs of attachment.

Was read a first and second time.

On motion of Mr. Gehon,

Ordered, That said bill be referred to the committee on the Judiciary,

No. 125, H. R. F. An act to legalize the acts of certain road commissioners in Washington county,

Was read three times and passed.

Ordered, That the Secretary, notify the House accordingly.

No. 64, C. F. An act defining crimes and punishments,

As amended by the House, was taken up and the amendments considered.

On motion of Mr. Cook,

Ordered, That said bill do lie upon the table.

No. 72, H. R. F. A bill to relocate the county seat of Clayton county,

In which the House amended the amendment made by the Council, was taken up and considered,

And the question being put,

Will the Council concur in the amendment to the amendment?

It was agreed to.

Mr. Wm. Patterson from the select committee to which was referred

No. 67, C. F. A bill to amend the several acts providing for the erection of a penitentiary, &c., reported a substitute for said bill, which

Was read a first and second time.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 70, H. R. F. An act authorizing the several boards of county commissioners to grant permits for constructing dams across navigable rivers,

As amended by the House was taken up and considered.

On motion of Mr. Cook,
The Council concurred in the amendments.
Mr. Wallace presented the account of Wm. Crum for Printing, amounting to \$165.

On motion of Mr. Wallace,
Ordered, That said account be referred to the committee on claims.
Mr. Cook from the committee on enrolled bills reported as correctly enrolled.

An act to incorporate the "Iowa City College."
Joint resolution authorizing the payment of money to the Secretary of the Territory.

On motion of Mr. Wallace,
The Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, FEBRUARY 14, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT: —

The House have agreed to the report of the committee of conference recommending that the House insist upon their amendment to the 7th section of

No. 40, C. F. An act regulating ferries.

The House have passed,

No. 124, H. R. F. An act to locate a Territorial road in Louisa and Washington counties.

Also without amendment,

No. 68, C. F. An act regulating the salary of the Auditor of Public Accounts and Territorial Treasurer,

Also with amendments,

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac & Fox Indians and for other purposes.

I herewith return,

Two enrolled bills and one Joint resolution,

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

Mr. Wm. Patterson from the select committee appointed for that purpose reported back

No. 108, H. R. F. A bill for the organization of county Medical Societies, and to regulate the practice of Medicine and Surgery,
And recommend its indefinite postponement.

Mr. R. M. G. Patterson from the committee on Incorporations reported back

No. 62, C. F. An act to prevent injury by Dogs,
And recommend its passage.

Mr. Cook from the committee on enrolled bills, reported as correctly enrolled,

An act authorizing the several boards of county commissioners, to grant permits for constructing dams across navigable rivers.

Mr. Cook from the committee on enrolled bills, reported that they did on the 10th inst. present to the Governor for his approval, the following named acts.

An act to amend an act to incorporate the Washington Manufacturing Company,

An act to provide for changing the venue in civil and criminal cases,

An act concerning mortgages,

An act relative to the time of taking effect of the laws of the present session,

An act to vacate a part of the town of Port Allen, and to legalize the relocation of a certain Territorial road.

Mr. Harris from the committee on roads, reported back without amendment,

No. 103, H. R. F. An act to relocate a part of the Territorial road from Davenport to Marion.

No. 81, C. F. Joint resolution for the relief of A. Logan,
Was read a second time.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 52, H. R. F. A bill to prevent damage by the firing of prairies.
Was read a second time.

On motion of Mr. Teas,

Ordered, That said bill do lie upon the table.

No. 108, H. R. F. A bill for the organization of county Medical Societies and to regulate the practice of Physic and Surgery,
Was read a second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill be indefinitely postponed.

No. 62, C. F. An act to prevent injury by dogs,
Was read a second time.

A motion was made by Mr. Cook,

To strike out "or other domestic animal."

It was decided in the affirmative,

A motion was made by Mr. Cook,
To strike out the 2d section of said bill.
It was decided in the negative,

A motion was made by Mr. Cook,
That said bill be indefinitely postponed.
It was decided in the negative, yeas 3, nays 10.
The yeas and nays being desired by Mr. Wallace,

Those who voted in the affirmative, were
Messrs. Cox, Cook and Leffler.

Those who voted in the negative were,
Messrs. Christie, Gehon, Harris, Jenkins, Wm. Patterson, R. M. G.
Patterson, Springer, Teas, Wallace and Elbert, President.

A motion was made by Mr. Cox,
To amend said bill by inserting the word "lawful" before the words enclosure.

It was agreed to.

A motion was made by Mr. Springer,
To strike out the proviso to the 2d section of said bill,

It was decided in the affirmative,

A motion was made by Mr. Cook,
To refer said bill to the committee on engrossed bills.

It was decided in the negative.

A motion was made by Mr. Leffler,
To lay said bill on the table until Saturday.

It was decided in the negative.

On motion of Mr. Gehon,
Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

A motion was made by Mr. Cook,
To amend the title of said bill by adding after the word dogs "and to legalize the killing of the same.

It was decided in the negative yeas 1, nays 12.

The yeas and nays being desired

Mr. Cook voted in the affirmative.

Those who voted in the negative were,
Messrs. Christie, Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson,
R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

So the bill passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 124, H. R. F. A bill to locate a Territorial road in Louisa and Washington counties,

Was read three times and passed.

Ordered, That the Secretary notify the House accordingly.

No. 40, C. F. An act regulating ferries,

Was taken up and the report of the committee of conference in relation to said bill was concurred in.

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes, being returned from the House with sundry amendments.

On motion of Mr. Cox,

Ordered, That the Council disagree to the amendments made by the House to said bill.

No. 64, C. F. An act defining crimes and punishments, as amended by the House, was taken up and considered.

On motion of Mr. Cook,

Ordered, That the Council disagree to the amendment to the 36th section of said bill.

The other amendments were considered and concurred in.

Mr. Springer from the committee on the Judiciary reported back

No. 82, C. F. A bill authorizing Daniel Smead and Claybourn W. Hughes to sell certain real estate.

Which was read a second time.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and the bill be read a third time now,

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 119, H. R. F. An act to locate a certain Territorial road therein named.

Was read a second time.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. H. R. F. An act to relocate a part of a Territorial Road from Davenport to Marion.

Was read a second time.

On motion of Mr. Harris,

Ordered That said bill be indefinitely postponed.

The President announced a communication from the Governor on Executive business.

On motion

The Council resolved itself into an Executive session.

After a short time the Executive Session rose.

On motion of Mr. Cook,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

Mr. Springer from the committee on the Judiciary, reported back No. 121, H. R. F. A bill allowing and regulating writs of attachment, And recommended its indefinite postponement. Also, No. 83, C. F. An act to amend the several acts providing for the erection of a Penitentiary, &c. And

No. 36, C. F. A bill to allow and regulate the action of Ejectment, And recommended its passage.

No. 36, C. F. A bill to allow and regulate the action of Ejectment, Was read a second time.

On motion of Mr. Teas,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

No. 121, H. R. F. A bill allowing and regulating writs of attachment, Was read a second time.

On motion of Mr. Cox,

Ordered, That said bill do lie upon the table.

No. 83, C. F. A bill to amend the several acts providing for the erection of a Penitentiary, &c.

Was read a second time.

On motion of Mr. Springer,

The Council resolved itself in a committee of the whole, for the consideration of said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Teas reported that the committee had, according to order had said bill under consideration and instructed him to report the same back to the Council with amendments.

On motion of Mr. Gehon,

Ordered, That said bill be referred to a select committee of one from each electoral district with instructions to report to-morrow morning.

Messrs. Christie, Cox, Cook, Harris, Jenkins, Leffler, Wm. Patterson, Springer, Teas and Wallace, were appointed said committee.

On motion of Mr. Jenkins,

That the Council adjourn until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, FEBRUARY 15, 1843.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—The House have passed

No. 122, H. R. F. A bill to legalize the acts of Jas. M. Denison an acting Justice of the Peace in and for the county of Linn.

No. 128, H. R. F. An act to legalize the acts of Wilson Stanly, administrator and Mary Duval administratrix of the estate of Samuel G. Jackson deceased.

No. 92, H. R. F. A bill to authorize the county commissioners of Scott and Lee counties to grant Licences to Pilots on the Upper and Lower Rapids of the Mississippi river.

No. 43, H. R. F. An act allowing the holders of a charter to erect a dam across the Des Moines River at Bentonport further time to vacate a portion of the town plat of Bentonport.

No. 77, C. F. An act to regulate conveyances,

No. 112, H. R. F. An act regulating Marriages.

The House have receded from their amendment to the 36th section of

No. 64, C. F. A bill defining crimes and punishments,

The House insist upon all their amendments to

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes.

I am directed to inform the Council that the Governor has returned to the House of Representatives (the same having originated there.)

An act to divorce certain persons therein named, with his reasons for not approving the same, and that the House have again considered and passed the bill by the constitutional majority, and directed me to present the same together with the Governors communications for the consideration of the Council.

And then he withdrew.

Mr. Cook from the committee on enrolled bills, reported

An act Regulating Ferries, and

An act regulating the salary of the Auditor of Public Accounts and Treasurer,

As correctly enrolled.

Mr. Cook from the committee on enrolled bills, reported that they did on the 14th inst. present to the Governor for his approval, the following named acts.

Joint resolution authorizing the payment of money to the Secretary of the Territory.

An act for the limitation of actions and for avoiding vexatious law suits, and

An act to incorporate the "Iowa City College."

Mr. Springer from the committee on the Judiciary reported

No. 84, C. F. Joint resolution relative to the printing of the laws as a substitute for

No. 78, C. F. Joint resolution ordering the reprinting of certain acts therein named.

Was read a first time.

Mr. Springer from the committee on the Judiciary, reported

No. 85, C. F. A bill to amend the several acts therein named.

Which was read a first time.

No. 122, H. R. F. A bill to legalize the acts of James M. Denison an acting Justice of the Peace in and for Linn county.

No. 43, H. R. F. An act allowing the holders of a charter to erect a dam across the Des Moines at Bentonsport further time to vacate a portion of the town plat of Bentonsport,

Were severally read three times and passed.

Ordered, That the Secretary notify the House accordingly.

No. 128, H. R. F. An act to legalize the acts of Wilson Stanly administrators and Mary Dnval administratrix of the estate of Lemuel G. Jackson, deceased,

Was read a first and second time.

On motion of Mr. President,

Ordered, That said bill do lie upon the table.

No. 92, H. R. F. A bill to authorize the county commissioners of Scott and Lee counties to grant Licenses to Pilots on the Upper and Lower Rapids of the Mississippi River.

Was read a first and second time.

On motion of Mr. Wm. Patterson,

Ordered, That said bill do lie upon the table.

No. 112, H. R. F. An act regulating Marriages,

Was read a first and second time.

A motion was made by Mr. Jenkins,

That said bill do lie upon the table until the 4th of July next.

It was decided in the affirmative, yeas 12 nays 1.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Christie, Cox, Cook, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Elbert, President.

Mr. Gehon, voted in the negative.

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac & Fox Indians and for other purposes,

In which the House insist on their amendments,

Was taken up.

On motion of Mr. Teas,

Ordered, That a committee of conference be appointed on the part of the Council to act with a similar committee to be appointed by the House on the disagreeing votes of said bill.

The President appointed Messrs. Teas, Cox and Wallace said committee.

An act to divorce certain persons therein named, having been returned from the House with the objections of the Governor,

Which being read.

On motion of Mr. Wallace,

Ordered, That said bill and objections do lie upon the table.

On motion of Mr. Elbert,

Ordered, That

No. 128, H. R. F. An act to legalize the acts of Wilson Stanly administrator and Mary Duval administratrix of the estate of Lemuel G. Jackson deceased,

Be taken from the table.

On motion of Mr. Elbert,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr. Teas,

Ordered, That

No. 52, H. R. F. A bill to prevent damage by the firing of prairies.

Be taken from the table.

A motion was made by Mr. Teas,

That said bill do lie upon the table until the 4th of July next.

It was decided in the negative yeas 4, nays 9.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative, were

Messrs. Gehon, Leffler, Springer, and Teas.

Those who voted in the negative were,

Messrs. Christie, Cox, Cook, Harris, Jenkins, Wm. Patterson, R. M. G. Patterson, Wallace and Elbert, President.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr. Cook,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Cook,
Ordered, That
No. 42, C. F. A bill to incorporate the Muscatine Farmers and Mechanics' Exchange Company,
Be taken from the table.

The bill was then taken from the table.

A motion was made by Mr. Cox,
That it be indefinitely postponed.

It was decided in the negative yeas 6 nays 6.

The yeas and nays being desired

Those who voted in the affirmative were,
Messrs. Cox, Gehon, Jenkins, Leffler, R. M. G. Patterson and Teas.

Those who voted in the negative were
Messrs. Cook, Harris, Wm. Patterson, Springer, Wallace and Elbert,
President.

A motion was made by Mr. Cook,

That said bill be referred to the delegations from Muscatine and Johnson and Cedar, Linn and Jones, with instructions to report a repealing clause.

It was decided in the affirmative, yeas 7, nays 6.

The yeas and nays being desired

Those who voted in the affirmative were

Messrs. Christie, Cook, Harris, Wm. Patterson, Springer, Wallace and Elbert, President.

Those who voted in the negative were,
Messrs. Cox, Gehon, Jenkins, Leffler, R. M. G. Patterson and Teas.

On motion of Mr. Springer,
No. 121, H. R. F. A bill allowing and regulating writs of attachment,
Was taken from the table.

On motion of Mr. Cox,

Ordered, That said bill be referred to a select committee, with instructions to report certain amendments.

Messrs. Cox, Springer and Leffler, were appointed said committee.

No. 84, C. F. Joint resolution relative to the printing of the laws,
Was read a second time.

On motion of Mr. Springer,

Ordered, That the 13th rule be suspended and said resolution be read a third time now,

The resolution was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

No. 85, C. F. A bill to amend the several acts therein named,

Was read a second time.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have passed

No. 126, H. R. F. A Joint resolution relative to the preparation, indexing, and distribution of the Revised Statutes,

No. 127, H. R. F. A bill to amend an act entitled an act to allow and regulate the action of ejectment.

Also with amendments,

No. 65, C. F. An act defining the number of copies of the laws of the present session to be published and the mode of their distribution.

No. 62, C. F. An act to prevent injury by dogs,

Also without amendment,

No. 76, C. F. Joint resolution for the relief of the estate of James M. Hawkins, deceased.

I herewith return several enrolled bills the same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

No. 62, C. F. An act to prevent injury by Dogs,

As amended by the House was taken up and the amendment considered,

And the question being put,

Will the council concur in the amendment?

It was decided in the affirmative yeas 9, nays 4.

The yeas and nays being desired

Those who voted in the affirmative were

Messrs. Christie, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Those who voted in the negative were

Messrs. Cox, Cook, Springer and Wallace.

No. 65, C. F. An act defining the number of copies of the laws of the present session to be published and the mode of their distribution,

Was taken up as amended by the House, and the amendments considered.

A motion was made by Mr. Springer,

That the Council concur in the amendments,

It was agreed to.

No. 126, H. R. F. A Joint resolution relative to the preparation, indexing and distribution of the Revised Statutes.

Was read a first and second time.

On motion of Mr. Cook,

Ordered, That said resolution be read a third time to-morrow.

No. 127, H. R. F. A bill to amend an act entitled an act to allow and regulate the action of ejectment,

Was read a first and second time.

On motion of Mr. Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

A motion was made by Mr. Springer,

That An act to divorce certain portions therein named, be taken from the table,

It was decided in the negative, yeas 5, nays 8.

The yeas and nays being desired by Mr. Elbert,

Those who voted in the affirmative were,

Messrs. Christie, Cook, Springer, Teas and Elbert, President.

Those who voted in the negative, were

Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Wallace.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—The House have passed without amendment No. 36, C. F. A bill to allow and regulate the action of Ejectment, And then he withdrew.

Mr. Harris on leave being granted introduced the petition of Hughes & Williams, praying further time for the printing and delivery of the laws.

On motion of Mr. Harris,

Ordered, That said petition be referred to a select committee.

The President appointed Messrs. Harris, Cook and Christie said committee.

On motion of Mr. Gehon,

Resolved, That the committee on the Judiciary be instructed to report to-morrow morning upon the Miners' Bank of Dubuque.

Mr. Cook from the committee on enrolled bills reported as correctly enrolled.

An act to regulate conveyances.

Mr. Cook from the committee on enrolled bills reported that they did on the 14th inst. present to the Governor for his approval,

An act authorizing the several boards of county commissioners, to grant permits to construct dams across the navigable streams in this Territory.

On motion of Mr. R. M. G. Patterson,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, FEBRUARY 16, 1843.

A message from the House of Representatives by Mr. Wallace their Chief Clerk,

Mr. PRESIDENT:—

The House have appointed Messrs. Barton, Felkner and Berry a committee of conference in relation to the disagreeing vote of the two Houses upon

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes.

And then he withdrew.

Mr. Leffler being in the Chair officiating as President,

Mr. Jenkins asked leave of absence for Mr. Elbert,

Leave was granted,

On motion of Mr. Springer,

Resolved, That the thanks of the Council are hereby tendered to the Hon. J. D. Elbert, for the able, impartial, and highly satisfactory manner in which he has discharged the duties of President of the Council during the present session.

Mr. Harris from the select committee, reported

No. 86, C. F. A Joint Resolution extending the time required to deliver the general laws of the present session.

Which was read a first time.

Mr. Cox on leave introduced

No. 87, C. F. A bill to provide for the payment of the debts of the Territory,

Which was read a first and second time.

On motion of Mr. Wallace,

Ordered, That said bill be referred to the committee on the Judiciary, with instructions to report this afternoon.

Mr. Springer from the select committee reported back with amendment,

No. 121, H. R. F. An act allowing and regulating writs of attachment.

Mr. Springer from the committee on the Judiciary, reported back with amendment,

No. 127, H. R. F. A bill to amend an act entitled an act to allow and regulate the action of ejectment.

Mr. Cook from the committee on enrolled bills, reported as correctly enrolled the following named acts.

An act to allow and regulate the action of Ejectment,

An act to prevent injury by dogs.

An act defining crimes and punishments,

An act defining the number of copies of the laws of the present session to be published and the mode of their distribution.

Joint resolution for the relief of the estate of James M. Hawkins deceased.

Mr. Cook from the committee on enrolled bills reported that they did on the 15th inst. present to the Governor for his approval the following named acts.

An act regulating the salary of the Auditor of public accounts and Treasurer.

An act regulating ferries.

Mr. Cook from the select committee, reported

No. 43, C. F. A bill to incorporate the Muscatine Farmers' & Mechanics' Exchange company, with amendments.

Mr. Wm. Patterson on leave being granted introduced

No. 88, C. F. A bill to amend the several acts providing for the erection of a Penitentiary, &c.

Which was read a first and second time.

On motion

Ordered, That said bill be referred to the committee on the Judiciary, No. 121, H. R. F. A bill allowing and regulating writs of attachment,

Was read a second time.

A motion was made by Mr. Springer,

To amend said bill by striking out the 2d section.

It was agreed to.

On motion of Mr. Cook,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 127, H. R. F. A bill to amend an act entitled an act to allow and regulate the action of ejectment.

Was read a second time.

On motion of Mr. R. M. G. Patterson,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 43, C. F. A bill to incorporate the Muscatine Farmers' & Mechanics' Exchange company,

Was read a second time.

On motion of Mr. Harris,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 126, H. R. F. A Joint resolution relative to the preparation, indexing and distribution of the Revised Statutes,

Was read a third time.

A motion was made by Mr. Springer,

That said bill be referred to the committee on the Judiciary.

It was decided in the negative.

The question being put, shall the bill pass?

It was decided in the affirmative,

Ordered, That the Secretary, notify the House accordingly.

No. 86, C. F. A Joint resolution extending the time required to deliver the laws of the present session,

Was read a second time.

A motion was made by Mr. Cook,

To amend said resolution by adding the following:

Provided, That 1000 copies of the laws of a general nature shall be ready by the 12th day of June next.

It was decided in the negative,

A motion was made by Mr. Springer,

To amend said resolution by striking out the words "first of July" and insert the "twentieth day of June."

It was agreed to.

On motion

Ordered, That the 13th rule be suspended and that said resolution be read a third time now.

The resolution was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

I herewith present for your signature,

Three enrolled bills.

I also return five enrolled bills,

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above acts.

On motion of Mr. Cox,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Springer from the committee on the Judiciary, reported back No. 88, C. F. A bill to amend the several acts providing for the erection of a Penitentiary, &c.

With amendments,

Which was read a first and second time.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

Mr. Springer from the committee on the Judiciary, reported back with amendments,

No. 87, C. F. A bill creating a school fund.

Which was read a first time.

On motion of Mr. Gehon,

Resolved, That the Sergeant-at-arms, Messenger, Fireman and Enrolling Clerk of the Council, each receive two dollars and seventy-seven cents per day for seventy-two days as officers of the Council.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

Mr. PRESIDENT:—The House have passed

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers and Printers of the Legislative Assembly and for other purposes.

Also with amendment,

No. 84, C. F. Joint resolution relative to the printing of the laws.

The House have also passed,

No. 120, H. R. F. Joint resolution relative to the repayment of the fine imposed upon General Jackson, and

No. 85, C. F. A bill to amend the several acts therein named,

And then he withdrew.

A bill creating a school fund being a substitute for

No. 87, C. F. A bill to provide for the payment of the debts of the Territory,

Was under consideration,

And the question being put,

Will the Council adopt the substitute?

It was decided in the negative, yeas 4, nays 8.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were,
Messrs. Cook, Harris, Springer and Wallace.

Those who voted in the negative were,
Messrs. Christie, Cox, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Elbert President.

A motion was made by Mr. Wm. Patterson,
That the 13th rule be suspended and the original bill be read a third time now.

It was decided in the negative yeas 8, nays 4.

The yeas and nays being desired

Those who voted in the affirmative were
Messrs. Christie, Cox, Gehon, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Elbert, President.

Those who voted in the negative, were
Messrs. Cook, Harris, Springer, and Wallace.

So the rule was not suspended, three-fourths not voting therefor.

On motion of Mr. Wm. Patterson,
Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Leffler,
Ordered, That the committee on the Judiciary be required to report forthwith the bill for winding up the affair of the Miners' Bank of Dubuque.

No. 84, C. F. Joint resolution relative to the printing of the laws,
Being returned from the House with amendments, was taken up, considered and concurred in.

No. 85, C. F. A bill to amend the several acts therein named,
Being returned from the House with amendments,

Was taken up and the amendments considered, and concurred in.

No. 120, H. R. F. Joint resolution relative to the repayment of the fine imposed upon General Jackson,

Was read a first and second time.

A motion was made by Mr. Cook,
That said resolution do lie on the table.

It was decided in the negative yeas 6 nays 7.

The yeas and nays being desired by Mr. Wm. Patterson,

Those who voted in the affirmative, were
Messrs. Christie, Cook, Jenkins, Springer, Wallace and Elbert, President.

Those who voted in the negative, were
Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, and Teas.

A motion was made by Mr. Leffler,
To read said resolution to-morrow.

It was decided in the affirmative yeas 8, nays 5.

The yeas and nays being desired,

Those who voted in the affirmative, were
Messrs. Cox, Gehon, Harris, Leffler, Wm. Patterson, R. M. G. Patterson, Teas and Elbert, President.

Those who voted in the negative were,
Messrs. Christie, Cook, Jenkins, Springer and Wallace.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—The House have passed
No. 86, C. F. A Joint Resolution extending the time required to deliver the general laws of the present session.

The House have indefinitely postponed,
No. 43, C. F. A bill to incorporate the Muscatine Farmers' & Mechanics' Exchange company,

The House have passed,
No. 88, C. F. A bill to amend the several acts providing for the erection of a Penitentiary,

And then he withdrew.

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers and Printers of the Legislature and for other purposes,
Was read a first and second time.

On motion of Mr. Springer,
Ordered, That said bill be referred to the committee on expenditures.
Messrs. Wallace and Springer were added to said committee.

On motion of Mr. Leffler,
Ordered, That the
Act to divorce certain persons therein named, be taken from the table and passed by the constitutional majority.

Mr. Teas asked to be excused from voting,

And the question being put,
It was decided in the affirmative, yeas 10, nays 2.

The yeas and nays being desired by Mr. Springer,

Those who voted in the affirmative were
Messrs. Cox, Cook, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Wallace and Elbert, President.

Those who voted in the negative were
Messrs. Christie and Springer.

The question then recurring on the passage of the act, by the constitutional majority.

It was decided in the affirmative, yeas 8 nays 4.

The yeas and nays being desired

Those who voted in the affirmative were,
Messrs. Cox, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson and Wallace.

Those who voted in the negative, were
Messrs. Christie, Cook, Springer and Elbert, President.

Two-thirds voting therefor, the act passed.

Mr. Wallace being in the Chair officiating as President.

The President asked to strike from the Journal the leave of absence granted to him this morning as the same was unauthorized by him.

Mr. Wallace President, decided it out of order to erase or alter the Journal.

On motion of Mr. R. M. G. Patterson,
The Council adjourned until 7½ o'clock this evening.

7 O'CLOCK.

A motion was made to reconsider
The vote taken on engrossing and reading to-morrow.

No. 87, C. F. A bill to provide for the payment of the debts of the Territory.

It was agreed to.

On motion of Mr. Wm. Patterson,

Ordered, That the 13th rule be suspended and said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

I herewith present for your signature,

An act to amend an act entitled an act to allow and regulate the action of right and ejectment.

I also present for your signature a certificate that,

An act to divorce certain persons therein named,

Has been passed by a majority of two-thirds.

The House have passed,

No. 131, H. R. F. A bill to repeal the forty-second section of an Act defining crimes and punishments, passed at the Session of 1842-43.

And also, that the House have agreed to the report of the committee of conference on the part of the House relative to the disagreeing vote upon

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac & Fox Indians and for other purposes,

Mr. Cook from the committee on enrolled bills reported as correctly enrolled.

Joint resolution relative to the printing of the laws,

A bill to amend the several acts therein named,

Joint resolution extending the time required to deliver the general laws of the present session,

A bill to amend the several acts providing for the erection of a Penitentiary, &c.

Mr. Teas from the committee of conference on the part of the Council relative to the disagreeing vote upon

No. 56, C. F. An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes, reported thereon, which report was concurred in.

Mr. Leffler from the committee on expenditures, reported back with amendments,

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers, and Printers, of the Legislative Assembly and for other purposes,

On motion of Mr. Wallace,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

A message from the House of Representatives by Mr. Wallace their Chief Clerk,

Mr. PRESIDENT:—

The House have passed without amendment,

No. 87, C. F. A bill to provide for the payment of the debts of the Territory.

And then he withdrew.

No. 131, H. R. F. A bill to repeal the 42d section of an act defining crimes and punishments, passed at the session of 1842-43.

Was read three times and passed.

Ordered, That the Secretary notify the House accordingly.

Mr. Leffler moved a call of the Council, which was had, and the roll being called it appeared that Messrs. Springer & Wallace were absent.

The seargeant-at-arms was directed to require their attendance.

On motion of Mr. Teas,

Ordered, That the Council resolve itself into an Executive session.

After a short time the Executive Session rose.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

Mr. PRESIDENT:—

I herewith present for your signature several enrolled bills the same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above enrolled bills.

Mr. Gehon offered the following:

Resolved, That the committee on the Judiciary, be instructed to report to the Council forthwith

No. 23, H. R. F. A bill to repeal the charter of the Miners' Bank of Du-
buque and to provide for winding up the same,

And the question being put, shall the resolution be adopted?

It was decided in the affirmative, yeas 12, nays 0.

The yeas and nays being desired by Mr. Gehon,

Those who voted in the affirmative were,

Messrs. Christie, Cox, Cook, Gehon, Harris, Jenkins, Leffler, Wm. Patterson, R. M. G. Patterson, Springer, Teas and Elbert, President.

Mr. R. M. G. Patterson moved a call of the Council which was had and on the roll being called it appeared that Mr. Wallace was absent.

The seargeant-at-arms was directed to require his attendance.

On motion of Mr. Cook,

A further call of the Council was suspended.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

The House have disagreed to the amendment of the Council to the 11th section of

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers & Printers of the Legislative Assembly, and for other purposes.

I herewith present for your signature,

An act to repeal the 42d section of an act defining crimes & punishments

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers & Printers of the Legislative Assembly and for other purposes, in which the House disagree to the amendment made by the Council was taken up and considered.

On motion of Mr. Cook,

Ordered, That a committee of conference be appointed by the Council on the disagreeing vote between the two Houses.

The President appointed Messrs. Cook, Teas and Leffler said committee.

Mr. Wm. Patterson from the committee on enrolled bills, reported as correctly enrolled

An act to provide for the payment of the debts of the Territory.

Mr. Elbert moved a call of the Council, which was had, and on calling the roll, it appeared that Mr. Wallace was absent.

The sergeant-at-arms was directed to require his attendance.

After a short time, Mr. Wallace appearing a further call was dispensed with.

Mr. Wm. Patterson from the committee on enrolled bills, reported as correctly enrolled

An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians and for other purposes.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—I herewith return

An act to provide for the payment of the debts of the Territory. And

An act to establish new counties and define their boundaries in the late cession of the Sac and Fox Indians, and for other purposes.

And then he withdrew.

The President then signed the above entitled acts.

On motion of Mr. Elbert,

Ordered, That

No. 120, H. R. F. Joint resolution relative to the re-payment of the fine imposed upon General Jackson, be taken from the table.

On motion of Mr. Elbert,
Ordered, That the 13th rule be suspended and said resolution be read a third time now,

The resolution was then read a third time.

On motion of Mr. Elbert,
Ordered, That said resolution do lie upon the table.
Mr. Cook from the committee of conference on the part of the Council relative to the disagreeing vote of the two Houses upon

No. 130, H. R. F. A bill to provide for the compensation of Members, Officers & Printers of the Legislature, and for other purposes,

Reported the same back and recommended the reconsideration of the vote upon said bill.

A motion was made by Mr. Cook,
To reconsider the vote taken on the passage of said bill.

It was agreed to.

A motion was made by Mr. Cook,
To amend said bill by allowing Hughes & Williams an additional sum of 51 00 dollars.

It was agreed to.

On motion of Mr. Cook,
Ordered, That said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

Mr. Springer from the committee on the Judiciary reported back

No. 23, H. R. F. A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same, with a report adverse to the passage of the bill.

On motion of Mr. Cox,

Ordered, That said bill and report do lie upon the table until to-morrow morning.

A message from the House of Representatives by Ms. Wallace their Chief Clerk.

MR. PRESIDENT:—

I herewith present for your signature,
An act allowing and regulating writs of attachment.

And then he withdrew.

The President then signed the above entitled act.

On motion of Mr. Wallace,

The Council adjourned until to-morrow morning at 6½ o'clock, P. M.

FRIDAY MORNING, FEBRUARY 17, 1843.

Mr. Cook from the committee on enrolled bills reported that they did on the 16th inst. present to the Governor for his approval the following named acts.

An act to legalize the acts of Wilson Stanly, administrator and Mary Duval administratrix of the estate of Samuel G. Jackson deceased.

Joint resolution for the relief of the estate of James M. Hawkins deceased,

An act defining crimes and punishments,

An act allowing the holders of a charter to erect a dam across the Des Moines River at Bentonport and further time to vacate a portion of the town plat of Bentonport.

An act to allow and regulate the action of ejectment.

An act to regulate conveyances.

An act to prevent injury by dogs.

An act to legalize the acts of Jas. M. Denison an acting Justice of the Peace in and for the county of Linn.

An act defining the number of copies of the laws of the present session to be published and the mode of their distribution.

Joint resolution extending the time required to deliver the general laws of the present session,

An act to amend the several acts providing for the erection of a Penitentiary, &c.

An act to amend the several acts therein named,

Joint resolution relative to the printing of the laws,

An act to establish new counties and define their boundaries in the late cession of the Sac and Fox Indians, and for other purposes.

An act to provide for the payment of the debts of the Territory.

A motion was made by Mr. Leffler,

To take from the table

No. 23, H. R. F. A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the same,

Together with the report of the committee on the Judiciary on the subject.

It was decided in the negative yeas 5, nays 7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs. Gehon, Harris, Leffler, Wm. Patterson and Teas.

Those who voted in the negative, were

Messrs. Christie, Cox, Cook, R. M. G. Patterson, Springer, Wallace and Elbert, President.

A message from the House of Representatives by Mr. Wallace their Chief Clerk.

MR. PRESIDENT:—

I herewith present for your signature,

An act to provide for the compensation of Members, Officers, and Printers, of the Legislative Assembly and for other purposes,

The same being signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

Messrs. Lewis and Biggs a committee from the House being announced, informed the Council that the House had no further business before them, and are now ready to adjourn *sine die*.

On motion of Mr. Cox,

Ordered, That a committee be appointed to wait on the House and inform that body that the Council have no further business before them and are now ready to adjourn.

Messrs. Cox and Cook were appointed said committee.

On motion of Mr. Springer,

Ordered, That a committee be appointed in conjunction with a similar committee on the part of the House, with instructions to wait on his Excellency the Governor, and inform him that the two Houses of the Legislative Assembly have no further business before them, and that if his Excellency has no further communications to make, both branches of the Legislature stand ready to adjourn *sine die*.

Messrs. Springer and Christie were appointed said committee.

A message from the House of Representatives by Mr. Wallace, their Chief Clerk.

MR. PRESIDENT:—

The House have appointed Messrs. Robertson and McCulloch a committee on the part of the House, to act with a similar committee to be appointed by the Council, to wait upon the Governor and inform him that the two Houses are now ready to adjourn *sine die*, and to ascertain whether he has any further communications to make to them.

And then he withdrew.

Mr. Springer from the joint committee appointed to wait upon his Excellency the Governor and inform him that the two Houses are now ready to adjourn *sine die*, reported that they had performed that duty, and that the Governor had no further communications to make to either branch of the Legislative Assembly.

On motion of Mr. Wallace,

Ordered, That the Council do now adjourn *sine die*.

The President then arose and addressed the Council as follows:

GENTLEMEN:—

Permit me now to express my gratitude for the very flattering testimony you have borne to my conduct as your presiding officer.

Inexperienced in Legislative proceedings, I accepted of the honors of the Chair reluctantly, and am well aware that the duties pertaining thereto, have been but imperfectly discharged.

In discharging the duties assigned me, I am not conscious of having acted with partiality toward any one, and if on any occasion it may have appeared to any that I have so done, I hope it will be considered an error of the head and not the of heart.

The time allowed us for Legislation has expired, and the session has been one of much labor, great anxiety, and deeply interesting, much has been done and I trust well done.

Your untiring efforts to perfect a code of laws for the people of this rapidly rising, interesting and beautiful Territory, cannot fail to meet their entire approbation.

And now, Gentlemen, I bid you farewell and may the angel of peace and harmony which has presided over us, during our deliberations attend you to the bosoms of your families, and may you be welcomed home by your constituents as good and faithful public servants.

You stand adjourned *sine die*.

APPENDIX.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After the Journal is read, the following order shall govern:

- 1st—Petitions or memorials to be offered.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Communications on the President's table.
- 5th—Reports in possession of the Council, which offer grounds for a bill.
- 6th—Bills or other matters before the Council and unfinished the preceding day.
- 7th—The above business being dispatched, the general file of bills and other papers will be then taken up agreeably to their first introduction to the Council.

STANDING RULES.

1. The Council shall choose, by ballot, one of their own number to occupy the Chair. He shall be styled President, and shall hold his office during the session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned, and call the members to order; and, if a quorum be present, he shall direct the Journal of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an ap-

peal to the Council. In committee of the whole he shall call some member to the chair; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President the Council may appoint a President *pro tem.* to occupy the chair during such absence.

2. Any member may have a call of the Council, and absent members sent for. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion) shall be put in this form: "You who are of opinion (as the case may be) say Aye; those of the contrary opinion say No;" and, in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make any motion (except to adjourn, postpone or commit) he shall reduce the same to writing upon the request of the President or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and the President shall address the member entitled to the floor by name; and, when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and, until decided, shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Council Chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall, at the time previously appointed by the Council, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole; and, if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Council is equally divided on a question, the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

23. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

24. Before a bill shall have passed the Council, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined

by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors that may be discovered in the engrossed bill, shall make their report forthwith to the Council.

25. A Secretary, Assisting Secretary, and one Transcribing Clerk, shall be appointed, to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts or papers be taken from the table or out of his custody, other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President, that it may be inquired into. It shall be the duty of the Transcribing Clerk to transcribe, enrol, copy, and engross all bills, memorials and resolutions, and to perform all other duties that the Secretary may assign him.

26. A Sergeant-at-Arms, Messenger and Fireman shall be appointed, to hold their offices during the pleasure of the Council. It shall be their duty to attend the Council during its sittings, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

27. When a message shall be sent from the Governor to the Council, it shall be communicated to the Chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of the members and officers to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Council when in Executive session.

31. Before acting on confidential or Executive business, the Council shall be cleared, by direction of the President, of all persons excepting the Secretary and Sergeant-at-Arms.

32. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive journal shall be published but by special order.

33. No member or officer shall read the newspapers within the bar of the Council while in session.

34. The President is authorized and required to administer all oaths prescribed by these rules.

35. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Council; and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

36. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of three-fourths of the members present.

37. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

38. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Council may be better enabled to judge of the matter.

39. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

40. The following officers and persons present at any time during the sitting of the Council, shall be entitled to a seat within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Council, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

41. The rules of Parliamentary Practice comprised in Jefferson's Manual, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each house, it shall then be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

10. When a bill or resolution, which shall have been passed in one house, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without notice of five days and leave of two-thirds of that House in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

REPORT OF THE TERRITORIAL AGENT.

OFFICE OF THE TERRITORIAL AGENT, }
Iowa City, Dec. 1st., 1842. }

To the Honorable the Council

And House of Representatives:

In obedience to the law, I herewith submit my annual report as Territorial Agent.

On entering upon the discharge of my duties, I found the law of the last session relative to the sale of Iowa City lots, Approved February 17th, 1842, undefined, to some extent in its details, leaving much to the discretion of the Agent. In the exercise of that discretion, which in my judgment the law authorized, and the public interest required, I suspended the sales at private entry, and proclaimed a public sale to be held on the third day of May.

Individuals entertaining a different view of the law, demanded the right of private entry at a reduced minimum. None of whom were mechanics or laborers, and all except in one or two cases, desiring to pay scrip of the issue of 1841. These applications were indiscriminately rejected at this office, and the entire plat as it came into my hands offered at public sale. To have done otherwise would have rendered the law a nullity, and thereby defeated the object contemplated by the Legislature in its passage.

At the public sale 85 lots were sold, the minimum price of
which was

	\$10,604 00
Amount of sale,	12,607 00
Advance upon the minimum,	2,003 00
Sales at private entry	10,264 00

Total amount of sales,	\$22,871 00
Amount of notes received from Jesse Williams, late Territorial Agent,	\$13,013 87
Sales of 1842,	22,871 00

\$35,884 87

Notes of 1839, '40 and '41 remaining in this office,	\$2,384 36
Notes remaining in the hands of Sringer and Carleton,	3,131 69
Notes in the hands of F. H. Lee, including the docket of John Hawkins,	563 74

Notes of the sales of 1842 remaining in this office,	6,362 87	
Disbursements of this office for the year 1842, ending 1st. inst.	23,768 02	
Scrip of the issue of 1841,	2,087 04	
Notes of the Miners' Bank of Dubuque and Shawneetown,	33 00	
	<hr/>	\$38,330 72
Excess of disbursements over the receipts,		2,445 85
This excess consists of outstanding scrip of the issue of 1842,	1,400 00	
Debts contracted by this office,	1,045 85	
The above estimate does not cover the entire liabilities of this office for the current year,		
The Agents salary with other incidental expenses, may be estimated at	1,000 00	
	<hr/>	
Total indebtedness for the present year, including outstanding scrip of 1842,		\$3,445 85

Early in March last, the Superintendent called upon me to consult upon the practicability of commencing operations on the Capitol.

At that time I was much at a loss to know what course to advise, or adopt, to commence a work of such magnitude with the limited and doubtful means within my control, was a hazardous experiment; delay was equally hazardous to success. While the situation of the building and the importance of placing it under roof to prevent dilapidation and decay, appeared to be paramount to every minor consideration. I therefore resolved to make a united effort with the Superintendent, and to place at his disposal all the means within my control which could be made available.

On commencing the work without funds, I was under the necessity of contracting debts (in anticipation of collection,) for provisions, and other incidental expenses necessary in establishing a boarding house at the stone quarry situate ten miles up the Iowa River, at a point where boarding could not otherwise be had. The laborers made their engagements for lots and to await the public sales.

During the months of March and April a competent number of hands were employed to carry on every department of business, and at the sales in May they became purchasers of property. As a medium of exchange upon the lots, to facilitate the sales, and to carry on the work, I took the delicate responsibility of issuing scrip, based however, exclusively upon the unsold lots, made payable to the bearer, and receivable at this office for all sales made *after the first day of May* thereby avoiding the responsibility of either anticipating or creating cash debts. With this scrip I paid the hands for the months of March and April, before the commencement of the sales in May, which went into general circulation and left it discretionary with the holders whether to purchase lots or part with it to others who had purchased, or who might desire to purchase.

This scrip although convenient and useful in the purchase and payment of lots, would not pass with the Merchants for goods, neither would it be taken by the farmers for provisions. Under these embarrassing circumstances I was compelled to adopt the plan of keeping supplies on hand through a large portion of the season, and issuing them out to suit the daily wants of those employed in the various branches of business connected with the Capitol. The keeping of daily accounts necessarily followed and greatly increased the labors of my office, labors not anticipated, and unprovided for by law, but indispensable to the public service under the present embarrassed condition of the public building fund.

Early in the month of June last the Superintendent made a requisition upon me for a bill of Iron for the roof of the Capitol, amounting to about five thousand pounds together with a bill for twelve hundred lights crown glass. These constituted a heavy item which could not be purchased short of St. Louis, where nothing but specie, or its equivalent, would be taken in payment. To meet this contingency I sold out lot No. 11, and block No. 21, to Samuel Statler of Pennsylvania, who was at that time in this City, for a draft payable at Pittsburgh, for which I paid him a premium of twenty five per cent. This draft (\$507,) constitutes more than one half of the actual cash handled by me through the season, and without which, those purchases could not, *with certainty*, have been made. I regret that it has been out of my power to pay the debt due the Miners Bank of Dubuque, the first note for \$500, payable in the Missouri Bank at St. Louis, has been protested, and this office duly notified thereof. To avoid (if possible) a similar occurrence with the second note for \$5,000 payable in New York, I opened a correspondence with the officers of the Bank, which influenced them to withhold the note for payment, or adjustment at the Bank at Dubuque. This note was executed on the 28th, June 1841, payable eighteen months after date, and will be due 28th, 31st instant, leaving time for some arrangement to save it from being dishonored. A copy of the correspondence is herewith submitted.

Out lot No. 10 has been reserved from sale on account of having been appropriated by the citizens of Iowa City and its vicinity to the use of a burial ground. On the 24th day of August a written application was filed for this lot by a portion of the citizens, a copy of which is submitted for the consideration and action of the Legislature.

The law defining the duties of Territorial Agent did not appear sufficiently clear to justify me in making settlements with the late Superintendent of Public Buildings who had acted as sole Commissioner in the sale of lots, and in the erection of the Capital, in 1839 and '40, and the late Territorial Agent who was his successor in 1841. These accounts remain unsettled; the late Commissioner claims a balance of about \$600, which should be paid at the earliest convenience if found due.

All of which is respectfully submitted,

JNO. M. COLMAN,
Territorial Agent,

December 1st, 1842.

CORRESPONDENCE.

OFFICE OF THE TERRITORIAL AGENT,
Iowa City, August 31st, 1842. }

To the Cashier,

DEAR SIR:—

I have just received a letter to the address of Jesse Williams, Esq., late Territorial Agent, from the Bank of Missouri at St. Louis, with a protest on his note as Territorial Agent for \$500 payable to the Miners' Bank of Dubuque.

The failure to meet this payment has been unavoidable; the office came into my hands without funds, with numerous small debts outstanding from last year. Without any other resources than a remnant of old debts due the office from former sales many of which are not collectable, and all difficult to collect.

The repeal of the law authorizing the Agent to borrow money with the passage of an act requiring the city lots to be sold for work and materials for the further prosecution and completion of the Capitol, will place it out of my power to meet any part of the debt due to your Bank this season. The note for \$5,000 payable in New York cannot be met at maturity, and the only mode which appears to me practicable is to renew the debts on further time. I shall visit Dubuque in the course of three or four weeks with a view to some arrangement in relation to the Territorial debt.

Very Respectfully,

Your Obedient Servant,

JNO. M. COLMAN,

Territorial Agent.

OFFICE OF TERRITORIAL AGENT,
Iowa City, Sept. 20th, 1842. }

*To the President and Directors
of the Miners' Bank of Dubuque.*

GENTLEMEN:—This will be handed to you by the Hon. Francis Springer one of the Counsel for the Territory for the collection of debts, who will ex-

plain to you the situation of this office in relation to money matters. I wrote your Cashier some time since upon the subject of the debts due to your Bank, and informed him that it would be out of my power to meet those debts.

Mr. Springer will confer with you fully upon the subject, and will be the bearer of any reply you may feel disposed to make to the letter above recited.

Very Respectfully,
Your Obedient Servant,

JNO. M. COLMAN,
Territorial Agent.

MINERS' BANK, }
Dubuque, Sept. 23, 1842. }

Jno. M. Colman, Esq.,
Territorial Agent, Iowa City.

SIR:—I have received your several favors of the 1st, and 20th, insts., and regret exceedingly that you will not be able to meet the note due this Bank in New York city in December next.

I had in a great measure depended upon the prompt payment of that debt, in order to enable me to take in the small balance of circulation of our notes now out.

Mr. Springer has mentioned to me your wish that I should not forward the note to New York City, where it is payable, and to meet your wishes in that matter, I will retain the note in Bank.

There has been a deposit of \$50 to your credit and any arrangements you may make for the payment in small or large amounts, of the notes, now due, and becoming due, will be satisfactory.

I have the honor to be,

Respectfully, your

Obedient Servant,

H. PEARSON, Cashier.

Application of the Citizens of Iowa City, for lot No. 10.

We, the undersigned, being desirous to pay becoming respect to the remains of our friends and relatives whose graves are situate on out lot No. 10, in Iowa City, do hereby apply to enter the said lot with a view to preserve and perpetuate, with becoming decency, the remains of those who have been buried on said lot.

Dated, August 20th, 1842.

Signed,

CHAUNCY SWAN, and others.

REPORT OF THE SUPERINTENDENT OF PUBLIC BUILDINGS.

OFFICE OF SUPERINTENDENT OF PUBLIC BUILDINGS, }
Iowa City, Dec. 1, 1843. }

*To the Honorable the Council,
and House of Representatives.*

On obedience to law, I herewith submit my annual report, as Superintendent of Public Buildings at Iowa City.

In entering upon the duties of my office, I received from my predecessor, tools used in the quarry and for the workmen on the building, also, a sett of blacksmith tools, some iron, and some steel. Likewise the window frames and sash for the two upper stories of the Capitol, a portion of the timber for the roof, which were partly framed, some oak flooring and some rough boards and other timber, on and about the building.

My first object was to consult the Territorial Agent, in relation to the means within his control, for carrying on the work. I examined the old quarry, and found that the means of the office, would not justify, even a commencement there. I lost no time in making the necessary examinations and succeeded in finding a fine bed of rock on the bank of the Iowa river, about 10 miles North East of the city, which presented a very promising appearance. Immediately, I set hands to work, to opening the quarry, and also, in preparing boats, for the transportation of the rock, and on the first day of April commenced stone-cutting at the Capitol.

On the commencement of the masonry, the walls of the Capitol presented a very singular appearance, varying in height, about seven feet, the East front being to the top of the upper windows, while a part of the west front, but a little above the lower part of the same tier of windows.

The East front has been carried up from the lower part of the Antea-caps a height of eight feet, and a portion of the west front has been carried up fifteen feet. I succeeded in completing the South gable-end, but owing to the low stage of the river in the fall, it was impossible to transport rock down for the North gable-end; except at an increased expense, which would have been incompatible with the state of the funds in the hands of the Agent: I therefore enclosed it roughly with boards.

The whole number of cubic feet laid into the walls of the Capitol, since the first of last April, are, fifteen thousand, eight hundred, and eighty-three; of superficial feet of cut stone, four thousand, four hundred, and fifty-six, and of superficial feet in *moulded* cut stone, or Antea caps, four hundred and eight. The masonry of this part of the building has been the most expensive, it being nearly all solid, and the face of it all cut stone.

The roof is substantially framed, and braced with strong iron bars, and bolts, at every part where it was thought to be necessary, to add to its strength and durability. It is covered with Allegheny pine shingles, which were purchased at Cincinnati. The roofs of the Porticos are formed, and extended to the fronts of the building, in a situation to be joined to, with convenience, when the Porticos are ready for covering. The cornices are in an unfinished state. The Cupola is completed to its first contraction, or diminish, and temporarily covered.

Four rooms have been prepared, and every arrangement made for the accommodation and comfort of the Legislature in the new edifices, that has been in my power to make, and I mainly attribute the consummation of the favorable result, to the *untiring energy* and *skilfull management* of the Territorial Agent in the *financial department*.

The law defining the duties of Superintendent of Public Buildings, requiring him to keep an account of expenditures, has been to some extent superseded by the act of last session, which requires the Territorial Agent to sell lots for work, and materials on the Capitol. I therefore refer your honorable body, to the report of the Territorial Agent for an exhibit of the expenditures on the Capitol for the present year.

All of which is most respectfully submitted.

W. B. SNYDER,

Superintendent Public Buildings, at Iowa City.

Iowa City, Dec. 1, 1842.

REPORT

OF THE DIRECTOR OF IOWA PENITENTIARY.

To the Honorable the Legislative Assembly of the Territory of Iowa:

The undersigned Director of the Penitentiary of Iowa, in compliance with the fifth section of the act of the Legislature of Iowa, "entitled an act to provide for the erection of a Penitentiary and establishing and regulating Prison Discipline for the same," respectfully reports:

That since the date of the last report made by the undersigned to the Legislative Assembly, there has been but little done towards the completion of the Penitentiary, the floors have been laid in the part contemplated to be occupied by the Warden, and part of the windows put in, and is now occupied by the Warden and his family.

The whole amount of demands against the Penitentiary, including the pay of officers, guard, clothing and maintaining the convicts, amounts to the sum of eighteen thousand three hundred and thirty-three dollars and thirty-

three cents, of this amount the sum of fourteen thousand nine hundred and seventy-two dollars, (being for work done to the Penitentiary) is expected to be paid from the appropriation made at the last session of Congress, which will leave a balance against the Penitentiary of three thousand three hundred and sixty-one dollars and thirty-three cents (being for the pay of officers and support of convicts) from the time when convicts were first received to the present time for the payment of which amount I would respectfully and earnestly urge the Legislative Assembly to provide for as soon as may be practicable.

The expenditures of the past year including pay of officers, guard, clothing and maintainance of the convicts (will be seen by the report of the Warden, which is hereunto annexed, and to which I invite the attention of the Legislative Assembly) to have been nineteen hundred and forty-nine dollars and sixty-five cents, and the earnings of the convicts amounting to thirteen hundred and twenty dollars and seventy-six cents, leaves a balance against the prison for the present year of six hundred and twenty eight dollars and eighty-nine cents. There is now on hand in manufactured articles and materials made by the convicts to the amount of one hundred and thirty-three dollars and ninety-one cents.

During the past year six convicts have been received, four have been regularly discharged by their time of sentence having expired—one has been pardoned by the Governor, and one taken out by writ of habeas corpus—two have escaped, and four are now in confinement.

It has hitherto been found extremely difficult to make the labor of the convicts productive, as most of them when received, are unacquainted with mechanical employments and considerable time must necessarily elapse in such cases before they can be advantageously employed, and when the term of imprisonment of such convicts is short, but little can be realized from their labor—the Warden has hitherto labored under very great and serious disadvantages in purchasing the necessary materials, clothing, &c., being obliged to purchase them from the proceeds of the labor of the convicts by barter and otherwise—he has heretofore boarded the convicts and when there are but few as at present, it is perhaps a matter of economy that he should do so, but should the number of convicts be much increased by having funds in his hands, he would be enabled to purchase clothing, provisions, &c., on much more advantageous terms and make the convicts prepare their own food.

The undersigned would therefore recommend to the Legislative Assembly, that a sufficient sum be placed at the disposal of the Warden to enable him to purchase a sufficient clothing of a distinctive character and for laying in materials for the use of consumption and manufacture of the prison.

The undersigned would also respectfully urge upon the Legislative Assembly, the pressing necessity of raising the outer walls of the Penitentiary around the cells to a height corresponding with that part of the prison, occupied by the Warden, and also of putting on a suitable roof. An estimate has been made by the Superintendent of the expense thereof, who has taken into consideration the amount of materials on hand and according to

his estimate with which the undersigned concurs, it will cost the sum of fifteen hundred dollars. The necessary stone is now on hand and a part thereof cut—the erection of this wall will enable the Warden to so arrange the convicts, that they can be employed much more advantageously than at present, and would preclude from them almost all chance of escape.

In compliance with the eleventh section of the act above mentioned, the undersigned reports, that the following rules and regulations for the government of the Penitentiary, have been adopted by him:

1st. No visiter is allowed to speak to any of the prisoners without permission of the Warden.

2d. No person is allowed to use or take away the tools or other property belonging to the Penitentiary.

3d. The Convicts must be so arranged when at work that the Guards can see them all.

4th. The chain of each convict must be examined at least twice every day.

5th. The Guards must talk no more with the convicts than is necessary to carry on their work.

6th. The Guard on watch must never leave until he is relieved by another Guard.

7th. The Guards will not be permitted to punish the convicts without the Warden's directions.

8th. The convicts must submit to all orders from the Warden and Guards.

9th. The convicts will not be permitted to talk only when it may be necessary to carry on the business in which they are engaged.

10th. The convicts will not be permitted to speak to any person except the Guard, without the Wardens permission.

All of which is respectfully submitted.

JOHN CLAYPOOLE,
Director of Iowa Penitentiary.

Fort Madison, Dec. 4th, 1842.

REPORT

OF THE WARDEN OF THE IOWA PENITENTIARY.

To John Claypoole, Esq., Director of the Iowa Penitentiary:

SIR:—

Having been appointed Warden in place of William Anderson deceased, I, in obedience to the second section of an act amendatory to an act

to provide for the erection of the Penitentiary and regulate its management herewith transmit the annual report.

On entering upon the discharge of my duties as successor to Mr. Anderson on the 26th of August last, I found the expenditures since the last report up to the 24th of that month, including Warden's pay, boarding, pay of guards, pay of Master workmen, clothing of Convicts, purchase of materials, &c., [See Schedule A. herewith transmitted] to have been fourteen hundred and ninety-five dollars and eighty-six cents. And the amount of manufactured articles sold and unsold together with materials and other property accumulated within the year, [See Schedule B.] to amount to nine hundred and forty-four dollars and thirty-seven cents, leaving a balance due against the prison up to that time of five hundred and fifty-one dollars and forty-nine cents.

From the 24th of August up to December 1st., the expenditures have been [See Schedule D.] four hundred and fifty three dollars and seventy nine cents, and manufactured articles sold, and amount received for labor of convicts, [See Schedule E.] three hundred and seventy six dollars and thirty nine cents, leaving a balance due against the prison for that time of seventy seven dollars and forty cents.

RECAPITULATION.

It will be seen that the expenditures for the year from December 1, A. D. 1841, to December 1, A. D., 1842, inclusive amount to nineteen hundred and forty nine dollars and sixty five cents; and the income or actual earnings of the prison to amount to thirteen hundred and twenty dollars and seventy six cents, leaving a balance for the current year against the prison of six hundred and twenty eight dollars and eighty nine cents.

It will also be seen by reference to [Schedule F.] that there is in addition to the property intended for the use of the prison, now on hand to be turned over to new account in materials and manufactured articles, one hundred and thirty three dollars and ninety one cents.

During the year ending December 1st., there has been received into the prison, six convicts and during the same period, four have been regularly discharged, one pardoned by the Governor, one taken out by writ of habeas corpus and two escaped.

Permit me sir, in addition to the requirements of the law, in concluding this report, to present a statement of the situation of the prison; and make a few suggestions for improvements, which the inconvenience of its unfinished state, and embarrassed condition of its affairs have since my charge pressed most forcibly upon my mind; and which I deem indispensable to the safe keeping of the convicts, as well as to the profit, and economy of the institution.

It is known to you that the coopers and blacksmith's shop, are necessarily in the one room, and that this room together with the guard-room occupy the space between the unfinished end of the cells, and the planned or unfinished end of the building, including a space of some twenty feet square. A place so illy provided with light, and so illy adapted for the purpose, that in

working the coopers and blacksmith we now have, they necessarily hinder or impede materially the work of each other. In fact, so confined is the space appropriated to the coopers, that with all the energy, I have been able to infuse, by personal attendance in clearing up and directing their operations, it has not unfrequently happened, that one has been compelled to wait the motion of another, and that with the best management, a constant and unavoidable loss is sustained. With this knowledge I think I may safely assume that with the addition even of an inconsiderable number without an enlargement of the building, or that for want of proper room and proper arrangement, from one-fourth to one-third of the actual labor of the convicts must be lost.

Aside from the inconvenience of this crowded state of the prison, or loss by check in the progress of the work, the guard is compelled for the purpose of enforcing discipline to be among them, and in such immediate contiguity as to be always within reach of their implements, and in such a situation that before any well directed defence could be made, they might easily overpower him and escape. I may here add, too, that the unsafe condition of the unfinished or east end of the building calls for the earliest attention. Although it is well planked up, still the building is so remote from any secondary aid, that the officers must rely upon their own resources for defence against any raise of the convicts: and in the absence of the Warden, the guard is alone left with this frail fabric as a barrier against their escape, which with the tools within reach by a few minutes labor, they might easily remove.

It is known to you that no provision has been made for either sash or glass to any portion of the building, and that the straightened circumstances of the prison has prevented the Warden from procuring any, that that portion enclosing the cells is like all others, open and exposed to the storm. The consequence has been that during the late inclement weather the cells as well as the work-shop and whole interior, have been covered with snow, and no room where the convicts could warm or be warmed, but in this open barrack.

The embarrassments I have labored under, in procuring supplies since I have had charge of the prison induces me to call your attention particularly to the state of its finances. It is known to you that the scrip issued by the Superintendent from the tardiness with which it has been redeemed, has fallen very considerably below par; and that now it is with extreme difficulty, any purchase can be made even at a very losing discount; it will be then with great difficulty hereafter, that the Warden will be able to meet the daily demands upon him, and keep the prison in supplies.

I would also call your attention to the article of clothing for the convicts. Heretofore the Warden without money or credit at his disposal, has been compelled to make his purchases in small parcels, at different times and places as the amount of funds, or the fortune of trade should dictate. The consequence is that there has been no uniformity in quality or distinction of appearance in their clothing.

Having now taken a cursory view of the state of the prison and alluded

to some of the causes to which in a great measure may be attributed the formidable balance which appears annually against the prison. I will take the liberty to make such suggestions as seem to me to be necessary to obviate the evils complained of.

I would recommend in the first place, as indispensable that the outer wall of the main building be carried up throughout its whole extent to the same height as the keeper's house, say fourteen feet and covered with a suitable roof, and be arranged into work shops. With this addition and the present number of finished cells fifteen or twenty additional convicts can be securely and profitably worked as well as safely and comfortably lodged.

I would also recommend as equally indispensable that a sufficient sum be placed at the disposal of the Warden, for the purchase of a sufficient quantity of Penitentiary Clothing, such as would be so marked in appearance as to be readily recognized, and place the convict beyond the possibility of escape. The Warden should also, on the score of economy in addition to the amount placed in his hands for the purchase of clothing be provided with a sufficient sum for laying in materials for the use, consumption and manufacture of the prison.

In conclusion, allow me to express my conviction derived from a three months management of its affairs, that if such alterations be made and such provisions granted as are here advised, the prison, instead of being a very considerable tax, can be made a source of revenue to the Territory.

All of which is most respectfully submitted.

Yours, &c.

EDWIN GUTHRIE,

Warden of the Iowa Penitentiary.

Fort Madison, Dec. 1st. A. D., 1842.

[A]

Iowa Prison, in account with Wm. Anderson & others,
From Dec. 1, 1841, up to August 24, 1842.

DR.

To amount of Wm. Anderson's account,	\$1,026 39
“ Mr. Snapp, “	2 00
“ Wm. McLoughlin's “	12 00
“ John McLoughlin's “	4 00
“ John Bardold “	4 50
“ Joseph Balls “	140 00
“ Sam'l C. Bassett “	20 25
“ A. W. Nove, “	48 00
“ Jos. McReynold's “	28 00

				156 77	
	"	Luke Alphine,	"	11 45	
	"	Peter Miller	"	32 50	
	"	William Brooks	"	10 00	
	"	Dr. Jno. Claypole	"		
					\$1,495 86
Cr.	By amount of sales,			\$730 69	
	"	Materials on hand		87 18½	
	"	Articles on hand and unsold		101 37½	
	"	Tools and other articles accumulated for the use of the Prison since Dec. 1, 1841		25 12½	
					\$944 37½
	1841	Iowa Prison, To Wm. Anderson	Dr.		
Dec. 2,	To amount paid Woolfork for whetstone		50		
	stuff at Albrights to make pants for Hyde		2 00		
	iron at Albrights		13 00		
	1842				
Jan. 2,	Dilliplom		13		
5,	Dutchman for coal		2 50		
7,	J. Hill for hoop poles		2 00		
	Parks for coal		50		
14,	Handsaw for coopers		2 00		
	Dutchman on coal		6 00		
	McAlleay for poles		50		
22,	A. Scott for hauling hoop poles		25		
Feb. 2,	Borax 1 lb.		50		
	Matches		25		
6,	Joseph for hoop poles		25		
	Making one pair of pants		62½		
	Three chairs at \$1 12½		3 37½		
	Parks for coal		2 00		
21,	Stewart and Brown for Blank book		1 50		
	Aquafortis		18½		
	H. Doyley for use of boat		2 88		
March	Stewart and Brown for grindstone		1 75		
	Stewart and Brown for cast steel		1 62½		
19,	Cutter back for one days hauling		2 00		
	Albrights for 15 lc rod iron		2 40		
	Albrights for 114 lbs. horse shoe iron		12 34		
25,	Making 10 shirts		5 00		
29,	Hogs lard		25		
	Boarding Joseph Ball 16 weeks		32 00		
April 1,	Mending Balls watch		37½		
7,	Albrights for moleskin and thread		9 19		
	Boarding Geo. Vanbuskirk 12½ weeks		25 00		

APPENDIX.

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16,	Man for stone coal	3 00
18,	Blank books	50
19,	Making 7 pair pants	3 50
	Lees for shoes	10 50
23,	Ford for hauling &c	8 47
25,	Boarding Joseph Dillen 3½ weeks	7 00
30,	Deming for odds in shoes	50
May 11,	Powder and box of caps	75
17,	Steel caps and quills	1 50
18,	Jug of Beef's foot oil	1 50
June 3,	Shaving soap and caps at McConn's	31½
July 11,	Powder at McConn's	50
	Boarding McReynolds from April 18, to June 14,	16 00
26,	Matches, caps and shaving soap,	56½
	Boarding the following named convicts to wit:	
	James McCubbin from Dec. 1, 1841, to Aug. 24,	
	1843, 38 weeks and 1 day	76 38
	Ephraim Catterton, from Dec. 1, 1841, to May	
	26, 1842, 25 weeks and 2 days	50 57
	Thomas Kenner from Dec. 1, 1841, to Aug. 24,	
	1842, 38 weeks and 1 day	76 38
	Washington Hyde from Dec. 16, 1841, to Aug.	
	24, 1842, 36 weeks and 6 days	72 72
	James Meridith from Dec. 1, 1841, to March 10,	
	1842 14 weeks and 2 days	28 57
	Henry Wright from April 7, to Aug. 24, 1842,	
	19 weeks and 6 days	38 72
	John Benson from May 7, to Aug. 24, 1842. 15	
	weeks and 4 days	31 14
	Boarding Luke Alphhin from Dec. 1, 1842, to	
	Aug. 24, 1842, 38 weeks and 1 day	76 38
	Services as warden from Dec. 1, 1841, to Aug.	
	24, 1842, 8 months and 26 days	368 49
	Boarding Brown 4 weeks and 2 days	8 66
		<hr/>
		\$1,026 39

Wm. Anderson To the Iowa Prison,	DR.
1841 & 1842. To amount of sales, see Penitentiary day book	\$730 69
Iowa Prison in account with Luke Alphhin & others from	
Dec. 1, 1841, up to Aug. 24, 1842.	DR.
To Luke Alphine for services as guard from Dec. 1, 1841, to Aug.	
24, 1842, 8 months and 24 days at \$20 per month	\$156 77
To Joseph Ball for services as master cooper four months at \$35	
per month	140 00
To Joseph McReynolds as guard from April 18 to June 14, at \$15	28 00
To Wm. Brooks for services as blacksmith from June 7, to July 9,	
26 days, at \$1 25 per day	32 50

Anderson	8 75
	<hr/>
	23 75
To Mr. Snapp for hoop poles	2 00
To Wm. McLoughlin for hoop poles	12 00
To John McLoughlin for hoop poles	4 40
To John Bordold for coal	4 50
To samuel C. Bassett for staves	20 25
To A. W. Nove for coal	48 00
To Peter Miller for merchandize	11 00
To Doctor John Claypoole for medical services	10 00

[B]

INVENTORY OF PROPERTY

Belonging to the Iowa Penitentiary in charge of the Warden and turned over to Edwin Guthrie on the 26th of August 1842.

ARTICLES INTENDED FOR THE USE OF THE PRISON.

Six chains and bolts,
 One full sett of Blacksmith's tools,
 Two full setts of Coopers' tools,
 Three wheel barrows,
 Three shovels,
 One mattock,
 Three hoes,
 Three stoves,
 Four axes.

ARTICLES ACCUMULATED WITHIN THE YEAR.

Two pistols,	10 00
Three Chairs	3 37½
Three blank books	2 00
One grindstone,	1 75
One hand saw,	2 00
Two fire shovels	2 00
Two iron wedges,	2 00
One axe,	2 00

\$25 12½

ARTICLES INTENDED FOR SALE.

Eleven pickling tubs at 75c	8 25
Eleven lard kegs at 50c	5 50
Forty-three pork barrels at 1 00,	43 00

Thirty-seven pork barrels set up	23 12½
Thirty-eight kegs set up	11 25
Seven wash tubs set up	3 50
Ten buckets set up	3 75
Six churns set up	3 00
	<hr/>
	101 37½

MATERIALS ON HAND.

Two thousand hoop poles	12 00
Nineteen hundred and sixty-six pork barrel staves	25 55
Five hundred and nineteen heading	4 13
Two hundred flour barrel staves	2 00
Eleven hundred and sixty-five keg staves	7 50
One lot of oak timber	2 00
One hundred and fifty pounds of iron	10 00
Three hundred bushels of coal	24 00
	<hr/>
	\$87 18
Sales made and accounted for since Dec. 1, 1842,	\$30 69

[D]

Iowa Prison, in account with Edwin Guthrie and others,
From Aug. 24th, to Dec. 1st., 1842.

Dr.

To amount of Edwin Guthrie's account,	359 23	
" Mrs. Anderson, "	25 72	
" Luke Allphin, "	47 72	
" Charles Jewett, "	16 12½	
	<hr/>	
		\$453 79
Cr. By amount of sales,	\$268 89	
" Materials on hand	42 50	
" Manufactured articles on hand,	10 50	
" Tools and other articles accumu-		
" lated for the use of the prison		
" since Aug. 24,	32 50	
" Labor done on Penitentiary	4 50	
" Labor in repairs on keeper's house	17 50	
	<hr/>	
		\$376 39

1842

Iowa Prison, to Edwin Guthrie

Dr.

To services as Warden from August 26, to Dec. 1, 1842, 3 months
Boarding the following named convicts to wit:
Thomas Kenner from Sept 11, to Dec 1, 1842, 11

APPENDIX.

weeks and 3 days	22 86
Henry Wright from Sept. 11, to Nov. 5, 1842, 7 weeks and 6 days	15 71
James McCabbin from Sept. 11, to Nov. 5, 1842, 7 weeks and 6 days	15 71
John Benson from Sept. 11, to Oct. 27th, 1842, 6 weeks and 4 days	13 12
Dorcas Gibbs from Oct. 14th, to Dec. 1, 1842, 6 weeks and 5 days	13 43
William Printer from Oct. 14, to Dec. 1, 1842, 6 weeks and 5 days	13 43
Jacob Clemants from Oct. 14 to Dec. 1, 1842, 6 weeks and 5 days	13 43
Boarding Luke Allphin from Oct. 11, to Nov. 5, 1842,	15 72
Boarding Charles Jewett from Nov. 5, to Dec. 1, 1842, 3 weeks and 4 days	7 13
	<hr/>
	\$2,269 90
Iowa Prison, to Luke Allphin	Dr.
To Services as guard from August 24th, to Nov. 5th, 1842, 2 months and 12 days	47 72
Iowa Prison, to Charles Jewett	Dr.
To Services as Guard from Nov. 5, to Dec. 1, 1842, 25 days	16 12
Iowa Prison, to Mrs. Anderson	Dr.
To Boarding the following named convicts to wit: James McCabbin, Washington Hyde, Thomas Kenner, Henry Wright and John Benson from Aug. 24th, to Sept. 11, 1842, 2 weeks and 4 days to 12 weeks 6 days	25 72
Boarding Luke Allphin 2 weeks and 4 days	5 16
	<hr/>
	\$30 88

[E]

1842	To the Iowa Prison	Dr.
Aug. 28,	To amount of A. W. Nove's acc't.	1 75
Sept. 3	" Bucket to McHenry	1 50
"	" Coopering pr I. Sawyer	44
"	" Shoeing pr McAllen	1 25
"	" One keg per self	75
7	" Labor per convicts	1 00
"	" Coopering per Sawyer	88

		4 kegs per Hales	2 00
		Wash tub per Hughes	1 00
8,		Labor of convicts two days	1 00
		Soap barrel per self	1 00
		Setting shoes per Hale	25
		Do. do. per McAllen	25
		Cash received for smithing	25
		For Flour bbls. pr Albright	1 40
		Setting shoe pr Mr. Rank	12½
		Two kegs per A. W. Knoe	1 00
		Smithing pr McAllen	37½
9,		Smithing and flour barrels pr Albright	2 92
11,		Amount rec'd for smithing	1 00
		Barrel & Shoeing Horse per J. H. Lines	3 00
13,		Pickle Barrel	75
		Water Bucket pr Dilleplain	37½
14,		Flour Barrel pr Bird	37½
15,		Pickle bbl. & coopering for J. Waters	1 12½
17,		Labor pr Convicts	25
		Amount received of John Waters for barrel	75
		Coopering pr Albright	18¾
20,		Amount rec'd. for sharpening plough	25
		10 Flour Barrels pr Albright	3 50
		Shoeing pr Thomas Mornson	62½
23,		Wash Tub pr Keyser	75
		8 Flour barrels pr Albright	2 80
26,		Smithing pr McAllen	25
		Shoeing pr Hews	50
		Cash received for Smithing	20
29,		Labor of convicts	1 50
		Smithing pr Hale	2 12½
		Pork Barrel	1 00
31,		10 Flour Barrels pr Albrights	3 50
		1 keg pr J. Knapp	50
		Cooperage pr McCallister	1 00
Oct. 1,		Crout Barrel pr Mrs. Anderson	75
3,		Smithing pr Hews	50
		Shoeing pr Waters	1 93¾
		10 Flour barrels pr Albright	3 50
4,		Pork barrel pr self	1 00
		Blacksmithing pr Sawyer	2 50
		Smithing pr Henderson	1 50
		Smithing pr Thorsten	12½
6,		Labor pr convicts	25
10,		Pork barrel pr Bird	1 00
12,		Smithing per Sawyer	75
		9 Flour Barrels pr Albright	3 15

13,	Smithing pr Henderson	1 50
14,	Labor of convicts	1 50
	Smithing pr Henderson	37½
	Pork barrels pr Foyhe	2 00
15,	Cooperage pr Mrs. Anderson	5 00
16,	Work on Plough and cooperage	5 00
	5 Flour barrels to Reeves	1 87½
	Bbl. pr Huff & tub pr Dilleplon	2 25
	Smithing pr Henderson	1 00
20,	Flour barrels per Fitzpatrick,	3 15
	Smithing per Thomas Hale,	1 25
	Smithing per Sawyer,	31¼
	Smithing per J. Webster,	1 75
	Smithing per S. Keyser,	50
	Coopering per J. Cutler,	2 25
22,	Smithing per Gannon,	87½
23,	Smithing per J. Carl,	2 87½
24,	Cash received for smithing,	25
	One pork barrel and hands to kill beef,	2 00
26,	Coopering per Dilleplain,	50
	Coopering per Rev. Clark,	1 00
	Smithing per J. H. Lines,	50
	Labor of convicts on road,	3 37½
	Cash rec'd for horse shoeing,	31¼
27,	8 flour barrels per Albrights	2 80
	Crout barrel per Waters	1 00
	Cooperage per McCrady	1 75
	Labor of convicts per self and Lines	2 37½
28,	Labor of convicts per H. Eno,	1 50
29,	Two iron wedges per Fitzpatrick,	2 00
Nov. 1,	10 flour barrels B. Albright,	3 50
	Cooperage and smithing,	2 25
	4 pork barrels per Marsh	4 00
2,	9 flour barrels per Fitzpatrick,	3 50
	Labour of convicts 7 days,	3 50
3,	Shoeing per Alley	25
4,	9 flour barrels per Albright,	3 15
	One butter tub for Webster,	1 00
5,	Cooperage on well bucket per S. S. White,	1 00
7,	9 flour barrels per Reives,	3 15
	Swill bucket per Rev. Clark,	75
8,	10 flour barrels per Albright	3 50
9,	1 crout barrel per Sawyer,	1 00
10,	1 crout barrel per Taylor,	1 00
12,	15 flour barrels per Albrights	5 25
14,	Labor of convicts in getting wood	2 00
	Well bucket per Wm. Wilson,	1 50

16,	1 large basket,	1 00
18,	40 flour barrels per Albright,	14 00
21,	1 axe per Etchison,	2 00
23,	Smithing per Wm. Knapp,	2 50
25,	Smithing on whippetree per J. Wilson,	37½
26,	Well bucket per Mr. Evans	1 50
	Pork barrel per Thorston,	1 25
27,	2 pork barrels per Wm. Wilson	2 50
	Shoeing per Lines	1 50
28,	Shoeing per Etchison	37½
	Shoeing per Sawyer,	1 50
	Coopering per Henderson	62½
	Coopering per John Carl	50
	24 pork barrels to McConn	27 00
29,	Cooperage per Wm. Knapp,	50
	Flour barrel per Bird,	37½
	Smithing per Mr. Lewis	1 81¼
	Smithing per Isaac Johnson	25
30,	Smithing per Cutler,	1 00
	Smithing per H. W. Hughes	75
	Smithing per John Waters,	75
	Cooperage per Webster,	4 50
	Smithing per H. W. Hughes	1 50
	Seven lard kegs to self 50c	5 50
	Eleven pork barrels 1 00	11 00
	Thirty-seven barrels 4 hoops 62½	} 11 54
	Thirty-eight lard kegs 4 hoops 33	
	Six wash tubs 50c	3 00
	Seven buckets	2 62
	Six churns 50c	3 00
	Two iron wedges,	2 00
	10 flour barrels,	3 50
	One mattock,	1 50
	One cask,	1 50
	Four baskets	3 00

\$268 48

Received payment for the Territory, by reducing two certificates making the above amount.

A. LADD,
Superintendent of the Penitentiary.

December 1, 1842.

[F]

INVENTORY OF PROPERTY

Belonging to the Iowa Penitentiary in charge of the Warden, Dec. 1,
A. D., 1842.

Six Balls and Chains	
One full set of Blacksmith's tools	
Two full sets of Cooper's tools	
Three Wheel Barrows	
Three Shovels	
One Mattock	
Three Hoes	
Three Stoves	
Four Axes	
Three Chairs	
Three Blank Books	
Two Pistols	
One hand Saw	
Two Fire Shovels	
One well Bucket	
Two large boiling Kettles	23 12½
Thirty-Seven Pork barrels set up	1 50
Two hundred Hooppoles	
Nineteen hundred and sixty dressed Pork barrel staves	25 47
Two hundred dressed flour barrel staves	2 00
Eleven hundred and sixty five keg staves	7 50
One lot of stave timber	2 00
On lot of Basket timber	3 00
Seventy pounds of Iron	4 90
Two Hundred bushels of coal	16 00
Five thousand and fifty undressed staves	42 50
Eight hundred dressed heading	7 50

LIBRARIAN'S REPORT.

LIBRARIAN'S OFFICE,
Iowa City, Dec. 13, 1842. }

To the Honorable the Legislative Assembly,

GENTLEMEN:—Agreeably to the provisions of the law imposing on me that duty, I herewith submit to you the annual report of this office.

I urged in my last report, the importance of extending the Library; any action on the part of the Legislature, was at that time, regarded as being unnecessary; but from a somewhat flattering hope, that the importance of this matter may meet with a more propitious reception in the minds of the present Legislature, I offer the following suggestions.

The Library is greatly defective, by reason of many valuable Elementary Law works having been left out of the catalogue of books purchased, also many scientific and literary works, together with the back numbers of the Law Reports, Reviews, and Statistical works. The Revised Statutes of the States is left out.

I regard the whole people of this Territory, as being interested in having an ample and well selected Library, in order that their Representatives may extract materials, that will the better enable them to design and promulgate such laws, as will when put into actual service, not only enhance their pecuniary interests, but greatly administer to their social happiness.

Such suggestions are doubtless unnecessary, inasmuch as they are made to persons who are capable of judging more wisely and more thoroughly than myself, of the infinite value of extensive collections of the combined labors, of the wise and the learned, of all ages and nations.

I am with high respect

Your ob't serv't,

M. RENO,

Librarian.

TREASURER'S REPORT

TREASURER'S OFFICE, IOWA CITY,

Dec. 19, 1842.

To the Honorable the Legislative Council:

GENTLEMEN:—

In obedience to your Resolution, calling upon the Treasurer to inform the Council whether the money accruing to this Territory, under act of Congress, 4th Sept., 1841, entitled "An act to appropriate the proceeds of the sales of the public lands, &c., has been received.

I have the honor in reply, to state that it has not been received, but that I have been notified by the Secretary of the Treasury Department, through his Excellency the Governor of the Territory, that the accounting officers have adjusted the accounts of the several States and Territories, under the above act, and that the sum of \$1,508 three-one hundredths, has been found due the Territory of Iowa, and that it will be duly paid on the application of the authorized Agent of the Territory. The evidence of my authority to draw the money has been transmitted to the Secretary of the Treasury, together with an application for a draft upon one of the land offices in this Territory for the amount accruing. I have not as yet received an answer from the Secretary of the Treasury.

I have the honor to be,

Respectfully your ob't. serv't.,

M. RENO, Treasurer.

REPORT

OF THE SUPERINTENDENT OF PUBLIC BUILDINGS,

Made in compliance with a resolution of the Legislative Council, requesting him to furnish a detailed estimate of the amount necessary to complete the Capitol.

OFFICE SUPERINTENDENT PUBLIC BUILDINGS,

IOWA CITY, Jan. 16, 1843.

Honorable J. D. ELBERT,

President of the Council,

SIR—In obedience to a resolution of the Council of the 2d inst., "that the

Superintendent of Public Buildings at Iowa City, be requested to furnish the Council with a detailed estimate of the amount necessary to complete the Capitol," I herewith submit the following estimates. I will state however, that the estimates are made in conformity to the means in the hands of the Territorial agent to operate with, viz:—Iowa City lots. The same amount of work would be done for one third less, and perhaps for one half, if the means to operate with were money. No matter how low the prices of lots are reduced, laboring men *will not* work as cheap for property as they will for cash. I have been convinced of this fact from the operation of last season.

BASEMENT STORY.

16 Windows in basement a	\$26 00	\$416 00
10 inside doors in do	a 14 00	140 00
2 outside doors in do	a 50 00	100 00
8 mantles in do	a 12 00	96 00
Base in do	a	173 00
Floor including joist		564 00
Stairs in this story		95 00
Lumber for do		690 00
Glass and hardware		154 00
Plastering in basement		755 00
Painting		251 00
		<hr/> \$3,434 00

FIRST STORY ABOVE BASEMENT.

22 Windows with inside shutters according to the original plan	\$61 00	\$1,342 00
Remainder of the floor in this story		91 00
Base		235 00
Remainder of doors including pilasters, &c.,		340 00
2 Front doors a	\$75 00	150 00
2 large arches in hall	150 00	300 00
2 small do do	25 00	50 00
Lumber for this story		300 00
Hardware		206 00
Plastering		500 00
Painting		575 00
		<hr/> \$4,089 00

SECOND, OR UPPER STORY.

24 windows with inside shutters a	\$61 00	\$1,464 00
62 sq'r. floor a	6 50	403 00
Base		144 00
6 doors a	55 00	330 00
2 arches a	150 00	300 00
2 galleries a	510 00	1,020 00
Lumber for this story		600 00

APPENDIX.

Hardware	175 00	
Plastering	990 00	
Painting	400 00	
	<hr/>	\$5,826 00

STAIRS.

Extending from the first main floor to the balustrade on Cupalo, a height of 65 feet	\$2,795 00	
Lumber for stairs	200 00	
Painting	100 00	
	<hr/>	\$3,095 00

This is an estimate for a geometrical stairs with steps six and a half feet long, and a continued rail on each side from bottom to the diminish of the Cupalo.

NORTH GABLE END.

Cutting stone for gable end	\$300 00	
Masonry	230 00	
Chimnies for north and south ends	200 30	
Quarrying and boating rock	550 00	
	<hr/>	\$1,280 00

CORNICE ON BUILDING AND PORTICOS.

4434 feet of Cornice a 50 cents	\$2,217 00	
Lumber for do	240 00	
Painting cornice	<hr/>	\$3,057 00

PORTICOS.

Quarrying and boating rock for both porticos	\$2,904 00	
Stone steps for do	1,236 00	
Buttresses do	440 00	
Flagging do	558 00	
Laying steps, buttresses and flagging	286 00	
8 stone columns	6,944 00	
8 stone caps for do	400 00	
Stone architrave	1,444 00	
Roof and materials for do	150 00	
	<hr/>	\$14,362 00

CUPALO.

I have not been able to make an accurate estimate for the cupalo, on account of there being no plan for the cupalo (nor for any thing else) in the Superintendent's office when I received it, and having enough to attend to

through the season, I did not draw one. This report will not admit of delay, to give me sufficient time to draw a plan. But I presume the cupalo will not vary much from

\$4,000 00

Place this amount, (\$4,000 00) with the former, and the whole amount will be

\$39,143 00

All of which is most respectfully submitted,

W. B. SNYDER,

Superintendent of Public Buildings at Iowa City.

REPORT

OF THE COMMITTEE ON THE JUDICIARY.

The Committee on the Judiciary to whom was referred a bill "to legalize the acts of George Duden, a Justice of the Peace," and also a "bill to legalize the acts of Jacob Mintum, a Justice of the Peace," with instructions to enquire into the "legality" of the passage of such acts, have had the same under consideration, and respectfully report that in their opinion there would be nothing "illegal" in the passage of the bills in question.

The Legislative power of the Territory extends to all rightful subjects of legislation. The committee believe the bills under consideration to be rightful subject of legislation, containing nothing inconsistent with the principles of natural justice. Nothing repugnant either to the organic law of the Territory, or to the constitution of the United States.

It is true the bills, should they become laws, would be retrospective in their operation, a class of acts which as a general thing, should not be encouraged. They could not, however, be considered either as *ex post facto* laws, or as laws "impairing the obligation of contracts." What they seek to accomplish is the removal of all doubt as to the legality of the appointment of a Justice of the Peace (to fill a vacancy) by the trustees of a township. They do not seek to sanction an authorized assumption of power on the part of the magistrate—they only declare that the acts of the justice performed in a legal and proper manner, and belonging to his jurisdiction, shall be as valid as if he had been elected by the votes of the township at an annual township election—in other words the bills have the effect to declare that Justices of the Peace in counties divided into organized townships, are township officers, and as such it is competent to the trustees to fill vacancies by appointment—a construction which the committee believe may fairly be put upon existing laws in relation to the subject.

The Committee therefore report the bills back to the Council and recommend their passage.

REPORT

On the subject repealing the charter of the Miners' Bank of Dubuque, made to the Council on the 16th day of February, 1843, by MR. SPRINGER, Chairman of the Committee on the Judiciary.

The Committee on the Judiciary, to whom was referred "a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same;" together with sundry petitions and remonstrances in relation thereto, have had the same under consideration and respectfully submit the following report:

The bill referred to the committee assumes the right in the Legislative Assembly, upon its own motion, and either upon facts which itself finds, upon a strictly legislative hearing, or which it presumes to exist, to pass a law declaring the charter of the Miners' Bank of Dubuque null and void, so far as the privilege of loaning money, discounting paper, or doing any other banking business, is concerned; or in other words, it assumes the right in the Legislature to pass a law repealing it absolutely. Against this assumption, the committee earnestly protest. They do not believe that the Legislative Assembly possesses any such right, and that it cannot attempt to exercise it without traveling beyond the well defined limits of its jurisdiction, and without involving an assumption of power, equally unauthorized and arbitrary.

The Miners' Bank of Dubuque was established by an act of the Legislative Assembly of the Territory of Wisconsin, approved November 30, 1836, for the term of twenty years, with the following proviso in the last section, to wit: "Provided, That if said corporation shall fail to go into operation, or shall abuse or misuse their privileges under this charter, it shall be in the power of the Legislative Assembly of the Territory, at any time, to annul, vacate and make void this charter."

The corporation created by the act referred to, is what is termed a private corporation, and can only be dissolved in four different ways, (unless the act contain an unconditional reservation of the right to dissolve it by statute, which would make the fifth.) First—by the expiration of the period of time limited for its duration; second—by surrender; third—by the death of its members; and fourth—*by forfeiture*. The Miners' Bank of Dubuque, being a private corporation, cannot, as before observed, be dissolved by statute—or, in other words, by an act of the Legislature—unless there had been an unconditional reservation of the right so to dissolve it in the charter, which is not pretended. Its time has not expired. There has been no surrender. Its members are not dead. It can therefore only be dissolved

by forfeiture, and a forfeiture of the charter can only be ascertained and enforced by judicial proceedings. The causes of forfeiture may consist either in an abuse of corporate powers, or in a neglect to use them; and, "without any express provision in the charter, either of them, when judicially ascertained, by a *scire facias* or a *quo warranto*, will authorize a court to adjudge the charter forfeited."

The committee have no means of knowing whether the Miners' Bank of Dubuque has or has not forfeited its charter by an abuse of its corporate powers or a neglect to use them. Nor do they conceive it material to the present inquiry, unless the existence of the fact of forfeiture had been duly determined by a judicial tribunal. The question is, has the Legislature the right to assume that the bank has forfeited its charter by an abuse of its privileges, and to proceed thereupon to declare it null and void? The most enlightened jurists of the age, as well as the principles of common right and natural justice, are against it. In the 2d vol. of Kent's Com. p. 306, is the following: "A private corporation, whether civil or eleemosynary, is a contract between the government and the corporators, and the Legislature cannot repeal, impair, or alter the rights and privileges conferred by the charter, against the consent and without the default of the corporation, judicially ascertained and declared." The same doctrine is laid down in Walker's Introduction to American Law, and in Angell & Ames on Corporations, p. 503, and fortified by a long list of authorities there cited. Indeed the judicial decisions upon this question appear to be all one way; and there is no principle of constitutional law better settled. It follows, then, that, before the Legislative Assembly can constitutionally pass the bill referred to the committee, it must be first show that the Legislative Assembly is endowed with judicial powers, and, in addition to that, that it is invested with the high and extraordinary prerogative of sitting as a judge in its own case. That the Legislative Assembly is not invested with judicial powers, is clear, from the 9th section of the Organic Law, which vests the judicial power of the Territory in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace.

But it is contended by some that the Legislature has reserved to itself the right to repeal the charter of the Miners' Bank of Dubuque, in the proviso to the 23d section of the act, quoted above. If this proviso amounts to any thing, it is no more than a reservation to the Legislature of the right to "annul, vacate and make void the charter," upon the condition that certain facts exist, which amount to an abuse of its corporate powers, and which, if established before a judicial tribunal, would be sufficient in themselves to work a forfeiture of the charter, without any reservation in the charter at all. So that at the outside the power reserved to the Legislature would only enable it to perform the nugatory act of passing a law "annulling, vacating and making void" a charter, which had already been deprived of life by the action of a judicial tribunal. The very ascertainment of the existence of the facts mentioned in the proviso, by a judicial tribunal, would draw after it a judgment of forfeiture. It is not doubted that, if the reservation of the right to destroy the charter had been unconditional—if it

were in the usual form now adopted by us, "that this charter may be altered, amended or repealed by any future Legislature"—it would be perfectly competent in the Legislative Assembly to pass a law repealing it any time, either with or without cause; since it would have been a part of the contract that its existence should depend upon the will and pleasure of one of the contracting parties; and being so, the other party could have had no reason to complain if the charter had been revoked by the next Legislative Assembly. The corporation of the Miners' Bank of Dubuque is a contract between the Territory and the corporators; and it is a part of the contract that the Legislative Assembly may annul the charter if the corporation "shall fail to go into operation, or shall abuse or misuse its privileges." But the question presents itself, who is to determine whether the bank has failed to go into operation, or has abused or misused its privileges? Is the corporation to determine? Clearly not—because, in the first place, it is no part of the contract; and, in the second place, it would militate against the principles of natural justice to permit a party to be a judge in his own case. Is the Legislature to determine? No, and for the same reasons. It is clear, then, that the question as to whether the corporation has abused its privileges, can only be determined by a judicial investigation, where all parties can be heard, and where justice may be done.

But it is said to be notorious that the Miners' Bank of Dubuque has suspended specie payments. This is undoubtedly true; but it still requires the judgment of a judicial tribunal to determine whether a suspension of specie payments amounts to an abuse of its privileges under the charter. The bank may have lived up to the very spirit and letter of its charter, and yet have been compelled, by circumstances, to suspend specie payments.—By the 8th section of the act of incorporation, the bank is permitted to owe an amount of debts, by bond, bill, post note, or contract, not exceeding, over and above the specie actually deposited and contained in the bank, three times the sum of the capital stock subscribed and actually paid in. Under this privilege, the circulation of the bank might be very far within the prescribed limit, and yet a sudden and unexpected return of her notes would compel a suspension. Nor does the provision in the 10th section—which is as follows: "And all such bills obligatory, and of credit, and such bills, notes and post-notes, issued as aforesaid, shall be paid by the said corporation when demanded at their banking house, in the legal coin of the United States," change the view of the case here taken; because, to maintain differently, would be to contend for a construction which would make one part of the act repugnant to another, when the true legal rule is so to construe a statute that the whole, if possible, may stand. That part of the bank charter which requires payment in specie on demand, defines the legal rights and obligations of the bill holders on the one side and the corporation on the other, and relates only to the legal effect of the contract between the parties, and has no connection whatever with the question of *abuse* or *misuse* of the chartered privileges (unless the refusal to pay or the suspension is in bad faith or in fraud of the public.) The non-payment of a promissory note at maturity by an individual is not in law deemed a fraud; and it is not easy

to perceive how or upon what rule of reasoning it is any more so in the case of a corporation. This view of the subject makes one part of the act incorporating the Miners' Bank of Dubuque consistent with another, and the whole to stand good for the beneficial objects and purposes of its creation."

The petitions upon the subject of the Miners' Bank, and signed by nearly seven hundred citizens resident in that part of the Territory which is supposed to be more immediately interested in the bank, contain a prayer that the Legislative Assembly will pass a law in relation to said bank to the following effect: "That provided said bank do resume, and ever after continue the payment of specie on all her liabilities, within ninety days after the passage of this law, then and in that case the charter of said bank shall be continued and hereby receive the sanction of the Legislature of this Territory; otherwise, that the Judge of this (the third) judicial district shall be empowered to issue an injunction against said bank, and forthwith place the effects of said bank, in the hands of proper persons to be by him appointed, whose duty it shall be to proceed at once to adjust and finally settle the affairs of said bank, which shall ever afterwards cease to exist;" and remonstrating against the passage of such a law there are between two and three hundred citizens resident in the same section of the Territory. So far, therefore, as the people have signified their wishes upon this subject, by petition and remonstrance, there appears a very heavy majority in favor of the passage of a law as specified in the prayer of the petitioners. And it must be admitted that there are some reasons in favor of the prayer of the petitioners, even upon the supposition that the corporation has abused her privileges. Because it is hardly possible that, with the distrustful feeling which now justly prevails in the community towards all banks of the kind now existing, the Miners' Bank of Dubuque could inspire a degree of confidence, in regard to her circulation, which would place it in her power to defraud her bill holders, even if she were so disposed. And a resumption of specie payments by the bank would prevent those of our citizens who happen to hold any of her paper from suffering loss upon it; which, if the bank does not resume, is likely still further to decline in value. Again: It is more than probable that the suspension of specie payment by the bank was occasioned, in part, by the loans which she made to the Territory, and which, though for some time due, the Territory has been unable to meet. The committee cannot but be of opinion that the movement contemplated by the bill referred to them, comes with an exceedingly ill grace from a party to a contract which has violated its solemn engagements to the other party, and which is just as liable to be reproached with bad faith as the bank which it seeks to destroy without a hearing, without law, and without right.

The committee, however, deem it inexpedient to pass a law upon the subject of the kind prayed for by the petitioners. They are opposed to extending any Legislative sanctions to the charter, equally as they would be opposed to the passage of an act incorporating such an institution, if the original question were now before the Legislative Assembly.

The committee feel no interest in the Miner's Bank of Dubuque—they

have no partiality for suspended banks, and still less for bank paper which is not worth as much as it purports to be upon its face. If the bank has abused its privileges, it is the opinion of the committee that the charter ought to be revoked. All they insist upon is, that the bank, if she has forfeited her life to the community, should be executed according to the laws of the land, and not be sent to the "guillotine" by an arbitrary edict of the Legislature.

The committee see no necessity for excitement in this matter, and trust and believe that members have too much self-respect to suffer themselves to be hurried into the commission of a rash and unauthorized act, by the paltry "hue and cry" set up against an institution which may be regarded (so far as the exercise of her functions is concerned) as already dead, and beneath the dignity of legislative interposition, even if it had a right to interfere.

If the bank has abused her franchises, the steps proper to be adopted for depriving her of her charter are laid down in the statute, and are so plain that they cannot be mistaken.

In the 8th section of the act "relating to informations in the nature of *quo warranto*, and regulating the mode of proceeding thereon," approved Dec. 20, 1838, it is provided that "an information in the nature of a *quo warranto* may also be filed by any district attorney upon his own relation, or on the relation of any other person, on leave granted, and shall be so filed when the same shall be directed by the Governor, the Legislative Assembly, or the District Court of the proper county, against any corporate body, when such corporation shall have, 1. offended against any of the provisions of the act or acts creating, altering, amending or renewing such corporation; 2. whenever it shall have forfeited its privileges and franchises by non-user; 3. whenever it shall have done or omitted any acts which amount to a surrender of its corporate rights, privileges and franchises; 4. whenever it shall have misused any franchise or privilege not conferred on it by law;—and it shall be the duty of the district attorney to apply for leave to file such information in every case provided for in this section, whenever he shall have good reason to believe that the same can be established by proof." It will appear from the act from which the above quotation is made, that our statute contains provisions affording an ample and speedy remedy against corporations that have abused their privileges; and, in the case before the committee the District Court for the county of Dubuque is the proper, and only proper, tribunal to try and determine the question of abuse of privileges. The view taken of this subject by the committee is strengthened (if it needed any strengthening) by the opinion of a distinguished lawyer, which is subjoined.

The committee ask the adoption of the following resolution:

Resolved, That it is inexpedient to legislate upon the subject of the Miner's Bank of Dubuque—the Legislative Assembly not having the right to repeal the charter thereof, until the fact of an abuse of privilege has been first found by a judicial tribunal.

[OPINION OF GENERAL WILSON.]

T. DAVIS, Esq.

Sir:—The subject of inquiry proposed to me, and upon which you ask my opinion, is embraced substantially in the following question:

“Is it competent for the Legislative assembly of the Territory of Iowa, upon its own motion, and upon facts which itself finds upon a strictly legislative hearing, to pass an act taking away the liberties, rights, privileges and franchises granted to the stockholders of the Miners’ Bank of Dubuque, and without the interposition of any judicial investigation to pass an act to deprive the stockholders of the possession of their corporate property and the management of their affairs?”

The act incorporating the stockholders of the Miner’s Bank, creates a private corporation. Its funds are private, its rights are private rights.—The privileges are granted to said stockholders in their private character to be exercised according to the provisions of the charter.

The distinction between public and private corporations is very fully considered in the case of Trustees of Dartmouth College vs. Woodward.

The corporation of the Minerr’ Bank is strictly a private corporation.—There is nothing in the act to show the contrary. It is declared in the act, Sec. 23d, “that *this act be and the same is hereby declared to be a public act.*” But it does not follow by any means that the corporation created by the act is a *public corporation*. It is one thing to declare a Legislative *act* to be a *public act* and entirely a different thing to create, by a Legislative act a *public corporation*. The character of the corporation is determined by the substantial matter of the whole act of incorporation and the material upon which it is to operate, and whether the act shall be deemed by the Legislature a public act or not.

No authority exists in the Legislature in the first instance, to regulate, control and direct in the affairs of this corporation, its funds or franchises, unless it be in the strict legal sense a public corporation—that is, where its whole interests and franchises are the exclusive property and domain of the government itself. Certainly the Miners’ Bank is no such corporation.

This being a private corporation, it is subject to the application of general principles of law. I look upon the charter as a contract. The stockholders have a vested right and legal interest in the funds and franchises of the Bank, of which they cannot be deprived or divested in any way but by due course of law. It seems clear to my mind, that this comes, distinctly within the purview of the Constitutional prohibition, that acts shall not be passed by the Legislature impairing the obligation of contracts.

It may be that some attempt to find authority for Legislative action under the proviso of the 23d Sec. of the act of incorporation. It is in these words:

"Provided, That if the said corporation *shall fail to go into operation, or shall abuse or misuse* their privileges under this charter, it shall be the power of the Legislative assembly of this Territory, at any time, to *annul, vacate and make void* this charter." An attentive examination of this proviso does not justify any such exercise of authority as is claimed by the Legislative assembly in this case, without judicial investigation. There are three conditions set out in the proviso, viz: *Shall fail to go into operation, or shall abuse or misuse*--the occurrence of which will authorize Legislative interference--to do what? To *annul vacate and make void* the charter. The occurrence of either one of those conditions, judicially ascertained, may authorize the Legislative Assembly to *annul, vacate and make void* the charter.--The Legislature can do nothing more or beyond the annulling, vacating or making void the charter. That is all the power specifically reserved to the Legislative Assembly.

Now, it is clear, undoubted constitutional law, and even above that, it is the natural inalienable right of every citizen, that he shall not be deprived of his life, liberty, property, rights, privileges or immunities, &c., except by the law of the land and judgment of his peers. This is a high and inviolable principle upon which depends all our highest and most cherished rights and privileges. It applies to this case with full force. If the Legislative assembly attempt to pass an act depriving the stockholders of their property, in the first instance, upon their own motion, without judicial investigation, it is putting them at once out of the protection of the law by an arbitrary edict of the Legislature; it is taking away their estate, not by the law of the land, not by the judgment of the judicial tribunals, but by an absolute peremptory sentence of the Legislature.

The Legislative assembly of this Territory, let it be remarked, by the organic law is not endowed with judicial powers. (Iowa Laws, vol. 1, page 34, Sec. 6.)

I am still further confirmed in my opinion expressed above, from an examination of an excellent statute of this Territory authorizing a proceeding in the nature of *quo warranto* in all cases of corporations, to ascertain by what right they exercise their franchise. That act gives to the judicial tribunals of this Territory full power to examine all such cases; and in case of abuses found upon judicial enquiry, the act clothes the judicial tribunals with the necessary power of winding up the affairs of any such corporation. This is highly proper. It is the legal, constitutional way of correcting abuses. To the judicial tribunal is the corporation answerable in the first instance. Upon finding the abuse or misuse of the privileges under the charter, by the judiciary, the Legislative assembly may, if it think proper, proceed to annul, vacate and make void the charter according to the power reserved. It can do nothing more.

Yours,
JAMES WILSON.

N. B. The principles of law upon which I have founded the above opinion, may be found very fully considered in various opinions of the Supreme courts of the United States.

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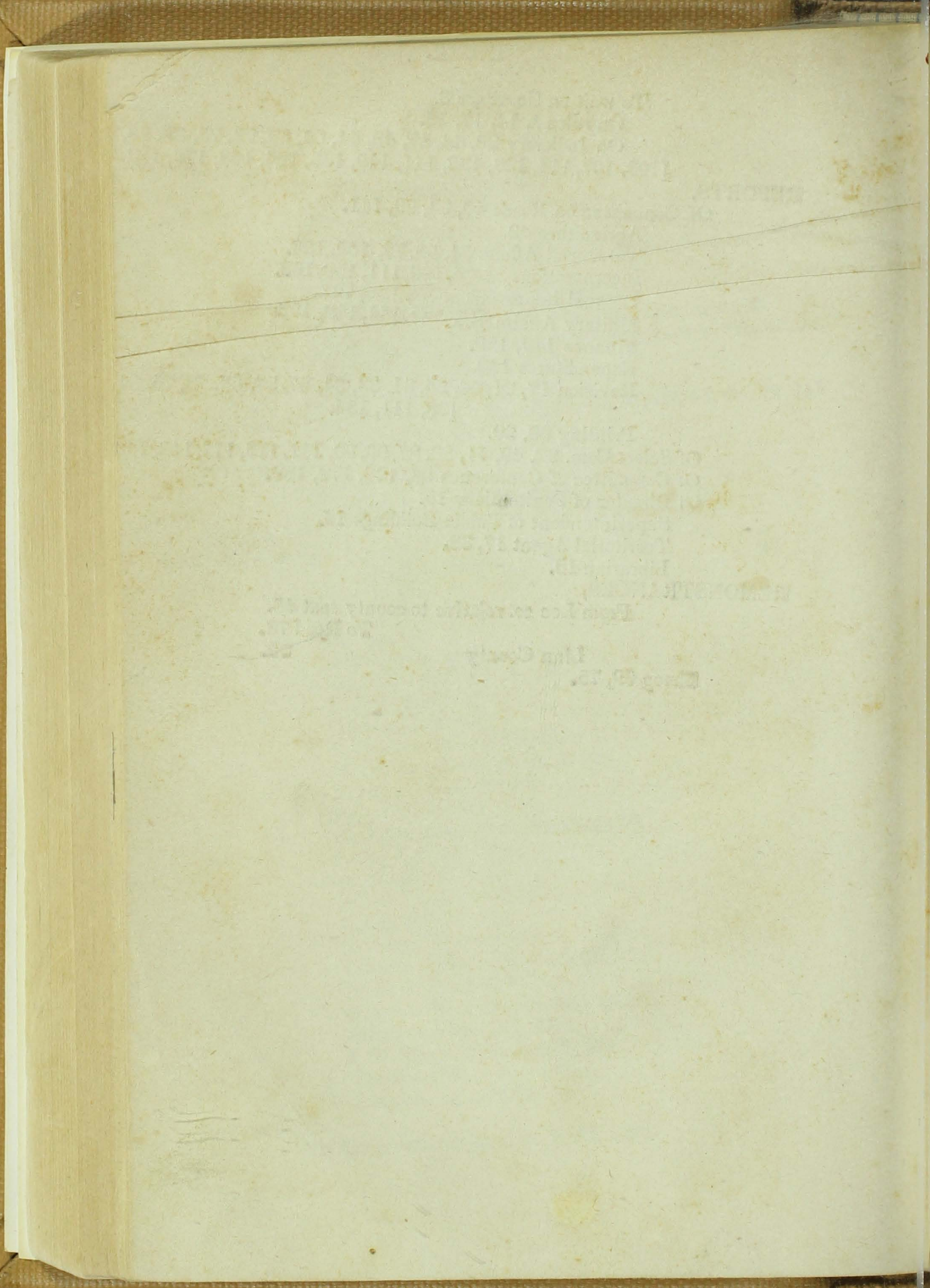
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JOURNAL

OF THE

LEGISLATIVE COUNCIL,

OF THE

^{6th}
~~FIFTH~~ GENERAL ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY ON MONDAY, THE FOURTH DAY OF DECEMBER,

ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE.

BURLINGTON:

PRINTED BY JAMES G. EDWARDS.

1844.

JOURNAL OF THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

BEGUN and held at Iowa City, on Monday, the 4th day of December, A. D., 1843, by virtue of an act of the Legislative Assembly, approved January 13, 1841.

At 12 o'clock, M., the Council was called to order by JOSEPH T. FALES, Secretary; when the following named members appeared:

From the County of Lee—ROBERT M. G. PATTERSON and WILLIAM PATTERSON.

From the County of Van Buren—JOHN D. ELBERT and JAMES H. JENKINS.

From the County of Des Moines—SHEPHERD LEFFLER.

From the County of Henry—WILLIAM H. WALLACE.

From the County of Jefferson—JOSEPH B. TEAS.

From the Counties of Louisa and Washington—FRANCIS SPRINGER.

From the Counties of Muscatine and Johnson—PLEASANT HARRIS.

From the Counties of Cedar, Jones and Linn—JOHN P. COOK.

From the Counties of Scott and Clinton—ROBERT CHRISTIE.

From the Counties of Du Buque, Jackson, Delaware and Clayton—THOMAS COX.

On motion of Mr Cook,
Francis Springer was appointed President, pro tem.

On motion of Mr Wallace,
John W. Patterson was appointed Sergeant-at-arms, pro tem.

On motion of Mr Cook,
William K. Whittlesey was appointed Assistant Secretary, pro tem.

On motion of Mr Jenkins,
John Lefever was appointed Messenger, pro tem.

On motion of Mr Cox,
Bushnell Austin was appointed Fireman, pro tem.

On motion of Mr Elbert,
Ordered, That the rules of the last session be adopted for the temporary government of the Council, and until new rules are adopted.

On motion of Mr Cox,
The Council adjourned, until to-morrow morning, at 10 o'clock.

TUESDAY MORNING, DECEMBER 5, 1843.

A motion was made by Mr Christie that the Council proceed to the election of President.

A motion was made by Mr Cox to amend said motion, by postponing the election until Thursday next at ten o'clock, which was decided in the affirmative.

On motion of Mr Wallace,

Ordered, That a committee of three be appointed to wait upon the House of Representatives and inform them that the Council is now temporarily organized, and ready to proceed to business.

Messrs Wallace, Wm. Patterson and Christie were appointed said committee.

Mr Cox offered the following resolution.

Resolved, That the Secretary be instructed to contract with the Printers of this city for twenty copies of their papers, leaving with each member to subscribe for what paper he may choose.

A motion was made by Mr William Patterson to strike out twenty and insert thirty copies, which was decided in the affirmative.

The question recurred on the adoption of the resolution as amended, and was passed in the affirmative.

On motion of Mr Wallace,

Resolved, That the Secretary of the Council be directed to make arrangements with the Post Master of this City for the payment of all postage on letters and papers sent to and from the Council during the present session, and report the same to the Council.

A motion was made by Mr Christie that the Council proceed to the election of Secretary; pending which,

A motion was made by Mr Elbert, That the Council adjourn until 3 o'clock, P. M. Decided in the negative.

The question then recurring on Mr Christie's motion to elect a Secretary, it was decided in the negative.

A motion was made by Mr Harris to appoint Charles Medara Secretary, pro. tem.

A motion was made by Mr Christie to amend by appointing B. F. Wallace, which was decided in the affirmative.

On motion of Mr Cook,
Council adjourned until 10 o'clock to-morrow.

WEDNESDAY MORNING, DECEMBER 6, 1843.

The President laid before the Council the following communication from the Post Master of Iowa City;—

“POST OFFICE, Iowa City, Dec. 5th.

JOSEPH T. FALES,

Sir, in reply to yours of this date, I would inform you that I am willing to open an account with the Council, if the Secretary of the Territory will pay up arrearages at the close of this quarter, and also at the close of the session.

Yours, very respectfully,

S. C. TROWBRIDGE,

Post Master,

Iowa City.

P. S. I would like to have an understanding with the Secretary as he may not feel willing to advance the money without an appropriation at the end of this quarter.

Yours, S. C. T.”

Which communication,

On motion of Mr Wallace,

Was laid on the table, subject to the order of the Council.

On motion of Mr Elbert,

Resolved, That Mr Crum, Editor of the Standard, be employed to do the incidental printing of the Council, until otherwise ordered.

Messrs Grimes and Rogers, a Committee on the part of the House of Representatives, were introduced, who announced that they had been appointed a committee to act in conjunction with a similar Committee to be appointed on the part of the Council, to wait on his Excellency the Governor, and inform him that the

two Houses are now organized and ready to receive any communication which he may wish to make to them.

Mr Wallace moved that a Committee of two be appointed on the part of the Council, to act in conjunction with the Committee appointed on the part of the House, to wait upon the Governor, which was carried.

Whereupon the President appointed Messrs Wallace and Leffler said Committee.

Mr Wallace, from the joint Committee appointed to wait on the Governor, reported that they had performed that duty, and that the Governor informed them that he would communicate with the two Houses, in writing, immediately.

Mr Burr, the Secretary of the Territory was announced, who handed in the Governor's Annual Message, which was read at the Clerk's table, as follows:—

IOWA CITY, December 6th, 1843.

Fellow Citizens of the Council,

and of the House of Representatives:

Since the termination of the last session of the Legislative Assembly, it has pleased the Almighty Power, in whose hands we are, to vouchsafe to the people of this territory as great a degree of exemption from disease as has fallen to the lot of any portion of our extensive country: and although, in some few localities, recent emigration and the exposure incident to a want of comfortable houses for a short time, have produced bilious diseases in a mitigated form, still it may be asserted with perfect truth, that no portion of the country watered by the tributaries of the Mississippi, has in its early settlement been more favored in the health of its inhabitants than Iowa, and while a bounteous Providence has blessed us with abundance, we have cause to felicitate ourselves that the peace and personal security of our citizens have been undisturbed and unmolested in a degree which many older communities cannot boast of.

Heretofore we have been prosperous and well protected under the fostering care of the General Government, and if in some respects our commerce has not been as liberally provided for and promoted, as we had a right to expect, and as an enlightened policy would have dictated, it is gratifying to know that the omission affects in common with us, an interest so extensive and a population so numerous—now fully represented in the Councils of the nation—that the period cannot be remote, at which this subject will be pressed upon the government with a power which will not be easily resisted. And we may promise ourselves too, that at an early day we shall be permitted to add some additional weight to the already numerous representation in Congress from the great valley of the Mississippi, in demanding the efficient action of that enlightened body in promoting the vast and rapidly increasing agriculture and commerce of the western states and territories.

These interests have been too long permitted to languish and

suffer from obstructions to the safe navigation of our rivers, which the government could, and ought to have caused to be removed, and although our former attempts to attract the attention of Congress to the subject have been unsuccessful, we owe it to ourselves to renew our efforts, and especially at this time to insist earnestly upon a full consideration of our claims to relief from the severe losses and heavy impositions under which we labor, from causes so easily removed by the power to which it belongs to redress the grievance. A new Congress has now assembled, and for the first time for ten years the people of the new states are represented in proportion to their numbers; we may therefore reasonably hope for a more favorable consideration of those interests which have heretofore seemed to be too far from tide water, to attract the degree of attention which their importance merit.

Our population has now it is confidently believed, attained a numerical strength which entitles us to a participation with the states of the Union in the government of its affairs, and to the benefits of local legislation, subject to no restraints but such as are imposed by the Constitution of the United States, and as we may choose to impose in the formation of a State Constitution. I therefore consider it my duty, respectfully to recommend, that you make provision by law for ascertaining the wishes of your constituents in relation to this important matter, and that you apply to Congress to fix and establish, during its present session, a boundary for the proposed state, and to sanction the calling a Convention and to make provision for our reception into the Union so soon as we shall be prepared to demand it. The establishment of a boundary for us by Congress, will prevent the intervention of any difficulty or delay in our admission into the Union, which might result from our assuming limits which that body might not be disposed to concede to us.

Early in the month of May last the confederated tribes of Sac and Fox Indians, in conformity to their treaty with the United States, of the 11th October 1842, removed to the west of the temporary boundary established by that treaty, which has since been ascertained by actual survey and marked, under the direction of the government.

The removal of these tribes has opened an extensive and very valuable portion of our territory to settlement, and the tide of emigration which immediately rushed into it, and has continued to flow ever since, shows that its value and importance are justly appreciated.

The increase of population west of the old Indian boundary, will render it necessary that provision be made by law for attaching some of the counties formed by the act of the last session to the judicial districts and placing them in all respects upon an equal footing with the counties previously organized.

In the month of July last the President directed a negotiation to be opened with the Winnebago Indians, with a view to their removal from

the tract of country known as the Neutral Ground, where their vicious habits had rendered them offensive and dangerous to the adjacent white inhabitants; but every effort to induce them to remove proved unavailing, and I fear their obstinacy and almost universal intemperance, acted upon and encouraged by interested advisers among the whites whom they look upon as their friends, will induce them to continue to resist the benevolent wishes of the government to provide a residence for them more remote from white population, and where the facilities they now enjoy for indulging in their besetting sin of habitual drunkenness would not be afforded them, until their conduct will produce a necessity for compelling them to take a position less annoying and dangerous to our citizens and less destructive to themselves. In the mean time the War Department has caused such instructions to be given to the officer in command of the United States troops at Fort Atkinson, as it is hoped will in a great measure protect our citizens residing near the Neutral Ground against further aggressions from these besotted people.

It is proper to state in this connection that the intemperate habits of these Indians can be clearly traced to a depraved and lawless portion of our citizens, who in defiance of the laws of the United States and of the territory, and in total contempt of every principle of morality, continue to supply them with whiskey in such quantities as to keep a large proportion of them in a state of almost uninterrupted intoxication. The laws prohibiting this offence impose only pecuniary penalties for a breach of them, and the frauds and extortion practised upon the Indians by the offenders, enable them, in case of conviction, to pay the penalties imposed and still prosecute their infamous traffic with a large profit. The fact is well known to these lawless people that their practices not only endanger their own lives, but the lives and property of their own unoffending fellow citizens, and cause the butchery and destruction of their Indian victims to an extent not generally known to others; but these evils produce no compunctions with them, and I earnestly recommend to you the revision and amendment of the existing laws in relation to this crime, with a view to the infliction of more exemplary punishment for its commission, and if possible to insure a more effectual execution of whatever provisions now exist or which you may deem necessary to enact for its prevention and punishment.

The work on the Public Buildings at this place has been limited during the past season by the means placed at the disposal of the Territorial Agent, and its future prosecution will depend upon such provision as you may deem it expedient to make for that purpose.

The payment of the unsatisfied debts against the territory, incurred under legislative authority on account of the Public Buildings, ought to be provided for and met, with as much promptitude as practicable.

Last spring the Warden of the Penitentiary communicated to me a plan of operations which he proposed to adopt for the advancement of the work on the buildings and enclosures then in progress and which were indispensable to the secure keeping and accommodation of the convicts; his proposition embraced what I deemed the most profitable employment of the labor of the convicts, with the least expenditure for which it was practicable to attain the object of such an enlargement of the accommodations of the institution as the increase of the number of convicts demanded. The plan proposed met my decided approbation, and as the Warden proposed to incur the risk of a legislative provision for such advances as its execution might require, I assured him of my hearty concurrence in any measure which the legislature might think proper to adopt for his indemnification; and I learn from a report which he has made to me, that he has very successfully prosecuted the work he contemplated with an expense even less than he had estimated, adding greatly to the comfort and security of the convicts, and placing the institution upon such a footing, as will, with proper management enable us to avoid the necessity of future appropriations for its support. The Warden's Official Report will explain to you more at large the nature and extent of the work he has caused to be done and the expenditure he has incurred; and I respectfully recommend that provision be made by law for reimbursing him.

We have still to regret that our repeated appeals to Congress for the means of completing this work so necessary to the due execution of our criminal laws, have been attended with but little success, but in the relation in which we stand to the General Government, our claim for such aid, is to my mind so undeniably just and proper, that I cannot refrain from recommending that it be again presented and urged upon the attention of that body.

In my former communications to the Legislative Assembly I have represented the almost universal neglect of the officers of the Militia to perform their duties, and especially that their failure to report the number and equipments of their respective commands, as required by law, put it out of the power of the War Department of the General Government, to furnish us with the arms to which we would be entitled upon making proper returns. No change has taken place in this respect, and if the means of putting arms into the hands of our militia is deemed important to the safety of our extensive and exposed frontier, I would again recommend the adoption of such measures as will enable us to obtain them. The causes which render hopeless any effort to enforce the performance of the official duties of our militia officers, by military means, are stated at length in my last annual message, to which I beg leave to refer you.

The law authorizing the organization of township schools, seems to be entirely overlooked by those to whom the duty is committed, and it is mortifying to see how little interest the import-

ant subject of education excites among us; even the school lands or sixteenth section in every township, are found in most cases to be wholly neglected, and in many to have been converted to individual use, or to have been trespassed upon and pillaged to their great injury. The value of this provision for education cannot be too highly appreciated, and I earnestly recommend that the County Commissioners in every organized county be not only permitted, but *compelled* in every instance where the school lands are found to be in the unauthorized occupancy of individuals, to obtain possession of them by such legal means as may be necessary for that purpose, or at their discretion to permit the occupants to become tenants, paying a moderate rent in making improvements on the land or otherwise, and covenanting to commit no waste and to surrender the possession to them or their successors in office, at the expiration of the term agreed upon, and that where the lands are not occupied the County Commissioners be required to protect them against trespassers and to cause them to be settled and improved whenever it may be practicable to do so.

Notwithstanding the restrictions imposed by Congress upon the expenditure of the appropriations for the support of the territorial government I find that the pay and mileage of the members of the Legislative Assembly of this territory, the pay of its officers, printing and other incidental and miscellaneous expenses of the last session, amount to about five thousand dollars more than the appropriations made by Congress for those objects. This is the more to be regretted because the territorial treasury does not afford the means of paying the deficiency, and the persons to whom it is payable are left to the doubtful contingency of their claims being paid at the United States Treasury, and may be compelled to wait a further appropriation by Congress to satisfy them; to avoid a recurrence of such a state of things I would respectfully recommend that your appropriations of the fund allowed by Congress for legislative purposes be made as specific as possible, and in no case permitted to exceed the fund from which they are to be paid. Despatch in the discharge of your legislative duties and economy in the expenditure of the money appropriated for the expenses of your session, may enable you to leave a considerable amount of that fund unexpended, which, on your representation, Congress will probably permit to be applied to the payment of the deficiency of the last year.

I beg you gentlemen to be assured that it will give me pleasure to cooperate with you in the adoption of such measures as may tend to promote the happiness and prosperity of our fellow citizens.

I am, very respectfully,

Your ob't, ser't.

JOHN CHAMBERS.

On motion of Mr Elbert,
Ordered, That one thousand copies of the Governor's Message
be printed.

On motion of Mr Wallace,
Ordered, That the Governor's Message be laid on the table sub-
ject to the order of Council.

On motion of Mr Christie,
The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, DECEMBER 7, 1843.

On motion of Mr Jenkins,
The Council proceeded to the election of President.
Mr Cook nominated Mr F. Springer.
Messrs Leffler and William Patterson were appointed tellers.

The votes having been taken and counted, stood as follows:

Joseph B. Teas received	6 votes.
F. Springer "	4 "
Blank "	2 "

No one having received a majority of all the votes given, a choice
was not made.

The Council then proceeded to a second balloting.

The votes having been taken and counted, stood as follows:

Joseph B. Teas received	4 votes.
F. Springer "	5 "
Blank "	3 "

No one having received a majority of all the votes given, a choice
was not made.

The Council then proceeded to a third balloting.

The votes having been taken and counted, stood as follows:

Joseph B. Teas received	4 votes.
F. Springer "	4 "
T. Cox "	1 "
Blank "	3 "

On motion of Mr Cook,

The Council proceeded to the election of Secretary.

Messrs Christie and Jenkins acting as tellers.

Mr Christie nominated B. F. Wallace.

W. Patterson nominated O. S. X. Peck.

Mr Cook nominated O. H. W. Stull.

The votes being taken and counted, it appeared that

B. F. Wallace received	5 votes.
O. H. W. Stull "	3 "

O. S. X. Peck received	3 votes.
T. Parvin "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a second balloting.

The votes being taken and counted it appeared that

B. F. Wallace received	5 votes.
O. H. W. Stull "	3 "
O. S. X. Peck "	3 "
T. Parvin "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a third balloting.

The votes being taken and counted it appeared that

B. F. Wallace received	8 votes,
O. H. W. Stull "	1 "
Peck "	1 "
T. Parvin "	2 "

B. F. Wallace having received a majority of all the votes given, was declared duly elected Secretary.

On motion of Mr Elbert,

The Council proceeded to the election of Assistant Secretary.

Mr Cook nominated W. K. Whittlesey.

Mr Elbert nominated Charles Medara.

Messrs Cox and Teas were appointed tellers.

The votes having been taken and counted, stood as follows:

W. K. Whittlesey received	5 votes
Charles Medara "	6 "
Blank "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a second balloting.

The votes being taken and counted, it appeared that

W. K. Whittlesey received	6 votes.
Charles Medara "	5 "
Blank "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a third balloting.

The votes being taken and counted it appeared that

W. K. Whittlesey received	6 votes.
Charles Medara "	6 "

No one having received a majority of all the votes given, a choice was not made.

On motion of Mr W. Patterson,

The Council proceeded to the election of Sergeant-at-arms.

Messrs Harris and Wallace, acting as tellers.

Mr W. Patterson nominated John W. Patterson.

The votes being taken and counted, it appeared that

John W. Patterson received	11 votes.
Blank "	1 "

John W. Patterson having received a majority of all the votes given, was declared duly elected Sergeant-at-arms.

On motion of Mr Wallace,

The Council proceeded to the election of Messenger.

Messrs Cook and Jenkins, acting as tellers.

Mr Elbert nominated John Lefevre.

Mr W. Patterson " Butler.

Mr Wallace " Gillinwater.

Mr Harris " Hartsock.

The votes having been taken and counted, it appeared that

Butler received	1 vote.
John Lefevre "	10 "
Hartsock "	1 "

John Lefevre having received a majority of all the votes given, was declared duly elected Messenger.

On motion of Mr Christie,

The Council proceeded to the election of Fireman.

Messrs R. M. G. Patterson and Wallace, acting as tellers.

Mr Christie nominated W. Dubois.

Mr Teas " Wildman.

Mr Harris " Van Hagen,

Mr Cox " Alston.

The votes having been taken and counted, it appeared that

Wildman received	1 vote.
Dubois "	9 "
Alston "	1 "
Van Hagen "	1 "

Dubois having received a majority of all the votes given, was declared duly elected Fireman.

Mr Elbert gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill to locate a Territorial road from Farmington in Van Buren County, *via* Hartford and Green's mill, in said County; Woods mill in Davis county to Autumwa in Wapello county.

On motion of Mr W. Patterson,

Resolved, by the Council that the Rev. Mr Hummer have the privilege of using the Council Chamber for Divine service every sabbath, during the present session of the Legislature, unless otherwise ordered.

On motion of Mr Cox,

Resolved, by the Council that the Secretary of the Territory be directed to pay to Bushnel Austin pro. tem. fireman, the sum of three dollars per diem, from Monday last, until Thursday inclusive.

On motion of Mr Wallace,

The Council adjourned until 2 o'clock P. M.

2 o'clock, P. M.

On motion of Mr Wallace,

The Council proceeded to the election of President.

Messrs Wm. Patterson and Christie, acting as tellers.

The votes being taken and counted, it appeared that

F. Springer received	5 votes.
----------------------	----------

J. B. Teas	"	3	"
------------	---	---	---

Blank	"	4	"
-------	---	---	---

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a fifth balloting.

The votes having been taken and counted, stood as follows:

F. Springer received	5 votes.
----------------------	----------

J. B. Teas	"	4	"
------------	---	---	---

T. Cox	"	1	"
--------	---	---	---

Blank	"	2	"
-------	---	---	---

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a sixth balloting.

The votes having been taken and counted, stood as follows:

F. Springer received	6 votes.
----------------------	----------

J. B. Teas	"	2	"
------------	---	---	---

T. Cox	"	2	"
--------	---	---	---

Blank	"	2	"
-------	---	---	---

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a seventh balloting.

The votes having been taken and counted, stood as follows:

F. Springer received	5 votes.
----------------------	----------

T. Cox	"	3	"
--------	---	---	---

J. B. Teas	"	1	"
------------	---	---	---

Christie	"	1	"
----------	---	---	---

Blank	"	2	"
-------	---	---	---

No one having received a majority of all the votes given, a choice was not made.

On motion of Mr Elbert,

The Council proceeded to the election of Assistant Secretary.

Messrs Wallace and Jenkins acting as tellers.

The votes being taken and counted it appeared that

Charles Medara received	6 votes.
-------------------------	----------

Wm. K. Whittlesey	"	6	"
-------------------	---	---	---

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a fifth balloting.

The votes having been taken and counted, stood as follows:

Charles Medara received	8 votes.
-------------------------	----------

William K. Whittlesey received 4 votes.

Charles Medara having received a majority of all the votes given, was declared duly elected assistant Secretary.

The persons who were elected as officers came forward and were severally sworn, and entered upon the discharge of their duties.

On motion of Mr Elbert,

The Council adjourned, until to-morrow morning, at 10 o'clock.

FRIDAY MORNING, DECEMBER 8, 1843.

On motion of Mr Christie,

Leave of absence was obtained for Mr Dubois, fireman.

On motion of Mr Cook,

Resolved, That the Secretary of the Territory be, and he is hereby authorized and requested to pay William K. Whittlesey twelve dollars, for four days services as Assistant Secretary pro tem. of the Council.

On motion of Mr Wallace,

The Council proceeded to the election of President.

Messrs William Patterson and Christie were appointed tellers.

The votes having been taken and counted stood as follows:

Francis Springer received	5 votes.
Joseph B. Teas "	5 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a ninth balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	6 votes.
Joseph B. Teas "	3 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a tenth balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	5 votes.
Joseph B. Teas "	3 "
Blank "	3 "
Cox "	1 "

No one having received a majority of all the votes given, a choice was not made.

Mr Leffler then withdrew the name of Mr Teas, and nominated Mr Cox.

The Council then proceeded to the eleventh balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	5 votes.
Thomas Cox "	5 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twelfth balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	5 votes.
Thomas Cox "	5 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a thirteenth balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	5 votes.
Thomas Cox "	5 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

A motion was made by Mr Cook,

To indefinitely postpone the election of President,

Which was decided in the negative, yeas 2, nays 10.

The yeas and nays being desired by Mr Leffler,

Those who voted in the affirmative were,

Messrs Cook and Wallace.

Those who voted in the negative were,

Messrs Cox, Christie, Elbert, Harris, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Springer and Teas.

On motion of Mr Leffler,

The election of President of the Council was postponed to the 2d Tuesday of January next.

On motion of Mr Elbert,

Leave of absence was granted to Mr Jenkins.

On motion of Mr Cook,

Resolved, That the following be the Standing Committees of the Council:

On the Judiciary, Finance, Internal Improvements, Schools, Enrollments, Military Affairs, Roads, Incorporations, Territorial Affairs, Public Buildings, Elections, Counties, and Township Boundaries.

On motion of Mr Cox,

Ordered, That said resolution lie upon the table until 2 o'clock this afternoon.

On motion of Mr Wallace,

A Committee of three were appointed to draft rules for the government of the Council.

The Chair appointed Messrs Wallace, Wm. Patterson and Cook, said committee.

On motion of Mr Cox,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House have appointed Messrs Walworth, Nowlin and Baker, a committee to act in conjunction with a similar committee, to be appointed on the part of the Council to draft rules to regulate the intercourse between the two Houses.

The House have passed No. 2, H. R. File, A Bill to incorporate the Aspen Grove Cemetery Association, in which the concurrence of the Council is requested.

On motion of Mr Cook,

The resolution relative to the Standing Committees was taken from the table and adopted.

No 2, H. R. File, A Bill to incorporate the Aspen Grove Cemetery Association was read a first and second time, and

On motion of Mr Leffler,

The rule prohibiting the second and third reading of bills on the same day was suspended, and the bill read a third time and passed, and the title agreed to.

On motion of Mr Cox,

The Council adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, DECEMBER 11, 1843.

On motion of Mr Cook,

Resolved, That the following named Committees be added to the Standing Committees of the Council.

Viz: On Agriculture, Engrossed Bills, Claims, and Expenditures.

The President announced the following named gentlemen, the Standing Committees of the Council:

On the Judiciary.—Messrs Wallace, Cook, and Leffler.

Finance.—Messrs Cook, Harris, and W. Patterson.

Internal Improvements.—Messrs Cox, Jenkins, and R. M. G. Patterson.

Schools.—Leffler, Elbert, and Christie.

Enrollments.—Messrs Elbert and Leffler.

Military Affairs.—Messrs Gehon, R. M. G. Patterson and Teas.

Roads.—Messrs Harris, Christie and Jenkins.

Incorporations.—Messrs R. M. G. Patterson, Wallace and Teas.

Territorial Affairs.—Messrs William Patterson, Cook and Christie.

Public Buildings.—Wallace, Harris and R. M. G. Patterson.

Elections.—Messrs Teas, Jenkins and Gehon.

Counties and Township Boundaries.—Messrs Christie, Leffler and Cox.

Agriculture.—Messrs Jenkins, William Patterson and Cox.

Engrossed Bills.—Messrs Cook, Jenkins, and Elbert.

Claims.—Messrs Cook, R. M. G. Patterson and Gehon.

Expenditures.—Messrs Teas, Christie and Jenkins.

Mr William Patterson presented the following report of the Warden of the Penitentiary.

*To the Honorable, the Legislative Assembly,
of the Territory of Iowa:*

IN compliance with the provisions of the fifth section of the act entitled "An act to provide for the erection of a Penitentiary and establish and regulate prison discipline for the same," I have the honor to report:

That at the time of the taking effect of the law of the last Legislature, abolishing the offices of Director and Superintendent, and imposing the duties of those offices upon the Warden, I found, on examination of the books, papers and records, then placed under my charge, and those already on file in this office, that the total expenditure for the erection of the buildings, pay of officers, pay of rewards, keeping of convicts, purchase of materials, implements, &c., covering every expense in any way connected with, or pertaining to the prison to have been forty one thousand, eight hundred and six dollars and five cents, as follows:

Amount expended on Penitentiary buildings up to May 20th, 1840, - - -	\$20,000 00
Amount of work done on contract with Wells and Wilson and sanctioned by act of the Legislative Assembly, Janu- ary 15, 1841, - - -	7,000 00
Amount of interest on contract of Wells and Wilson up to August 25, 1843, -	692 25
Amount of certificates issued by the Su- perintendent up to July 4th, 1843, -	12,481 49
	<hr/>
	\$40,173 74

Amount brought forward,	\$40,173 74
Amount of Superintendent's salary for which no certificate was issued,	1,522 31
	<hr/> \$41,806 05
And the total amount of payments made and provided for, to amount to thirty- seven thousand, six hundred and eigh- teen dollars and forty three cents, as follows,	
By appropriation of Congress, approved July 7th, 1838,	\$20,000 00
By appropriation of Congress, approved August 29th 1842,	14,972 52
By amount of certificates redeemed by sale of articles manufactured in the prison,	2,635 91
	<hr/> \$37,618 43
Balance,	<hr/> 4,187 62

Leaving, as will be seen, a balance of four thousand, one hundred and eighty-seven dollars, and sixty-two cents, subject to such reduction as may have been made by the payment of percentage at the Territorial Treasurer's office in May last, out of the funds arising under the provisions of the *Distribution Law*; the exact amount of which the undersigned has no means of knowing, but believes to have been about one thousand dollars, leaving (should these deductions be correct,) a balance due and outstanding up to that time against the Territory on Penitentiary account, of three thousand, one hundred and eighty-seven dollars and sixty-two cents. Since which there has been an accumulation to this debt, by the salary of officers, keeping and clothing of convicts, &c., of three hundred and ninety-three dollars and ten cents; mostly owing, however, to the diversion of the productive labor of the convicts, from the shops to the digging and walling of a well, and in the erection of necessary and permanent work about the building.

The undersigned would further report:

That he has proceeded in the erection of the Penitentiary buildings to the extent recommended by the Director in his report of December 1, 1842, by which (should it be sanctioned by the Legislature,) an additional debt has been created of one thousand, three hundred and eighty-seven dollars and twenty-two cents.

In connection with this subject, it is due, perhaps, to the undersigned to say, that in proceeding without the sanction of law in the completion of this work, he finds his apology in the absolute necessity of the case; the imminent danger of escape; the extraordinary waste of time, and inconvenience in working the prisoners, together with the additional expense of guarding and boarding them; and the rapid destruction of the work already begun and remaining uncover-

ed, seemed to demand an assumption of responsibility which he did not feel at liberty to omit, and here he has the pleasure to remark, that, by the completion of the present work, ninety by forty feet, of actual workshop has been added, the original work has been preserved, and instead of an open and exposed barrack, he has a comfortable, capacious and safe prison.

The undersigned would further report:

That there are cells and other safe and comfortable lodging rooms sufficient for the safe keeping of from thirty to fifty convicts, and that could the prison now be relieved from its present pecuniary embarrassments, and a sufficient sum placed at the disposal of the Warden, for the purchase of implements for their employment, he has no hesitation in saying, that no further expenditures will be required here for the next five years; but should this not be done, and no favorable action of the Legislature had, many of the evils heretofore complained of, will still exist; for a detailed account of which he would respectfully refer the Legislature to the Warden's report of last year.

During the last year there has been received into the prison ten convicts, and during the same period four have been pardoned and one escaped. Nine now remain in confinement.

Within the year, ending December 1st, although there has been no serious sickness in the prison, a loss of labor has been sustained by casualty and indisposition of two hundred and one days.

The undersigned would further report:

That while he has felt it his duty to watch and punish every infraction of the rules of the prison, he has had little to do. In the mode of punishment, he has adopted the more humane policy and substituted solitary confinement in lieu of corporal inflictions which he has reason to believe has been attended with the most beneficial results. He would further remark, that under the belief that the object of imprisonment was as much to reform as punish, while he has felt it his duty to watch the interest of the community, he has not been unmindful of the wants of those placed under his charge. Divine service has been performed in the prison every other Sabbath, in addition to which every facility has been afforded for their useful and moral improvement.

All of which is respectfully submitted.

EDWIN GUTHRIE,
Warden of the Iowa Penitentiary.

December 1st, 1843.

Which was read, and

On motion of Mr William Patterson,

Ordered, That the report do lie upon the table, and that five hundred copies of the same be printed.

Mr Wallace from the Select Committee appointed to prepare rules for the government of the Council, reported the following as a substitute for the 26th rule of the session of 1842 and 1843.

A Secretary and an Assisting Secretary shall be appointed to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal records, accounts or papers be taken from the table or out of his custody, other than by regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President that it may be enquired into.

It shall be the duty of the Assisting Secretary to transcribe, enroll, copy, and engross all bills, memorials, and resolutions, and to perform all other duties that the Secretary may assign him.

And also, that the words three fourths, in the 37th rule be stricken out, and the words two thirds be inserted.

On motion of Mr Leffler,

The report was laid upon the table.

A motion was made by Cook,

That a committee of three be appointed to act in conjunction with a similar committee appointed on the part of the House of Representatives; to frame the necessary rules for the government of the intercourse between the two Houses.

Which motion was agreed to.

And Messrs Cook, Cox, and R. M. G. Patterson were appointed said committee.

Mr Elbert, according to previous notice,

Introduced No. 1, C. F. A Bill to locate a Territorial Road therein named, which was read a first and second time.

On motion of Mr Elbert,

Ordered, That the thirteenth rule be suspended, and the bill be read a third time now.

The bill was read a third time and passed, and title agreed to.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

Mr Teas, gave notice that he would on to-morrow or some future day, introduce a bill to extend the Territorial Road from Burlington *via* Mount Pleasant, to Fairfield, and from the last mentioned place *via* the old Indian Agency, to some point on the Des Moines River, and thence up said river to the Indian Boundary line in the nearest direction to the Military Post at the Mouth of Raccoon Forks of said river.

Mr Cox introduced No. 2, C. F. A Joint Resolution relative to the sale of tools and other property belonging to the Territory of Iowa.

Which was read a first time.

Mr Elbert gave notice that he would on some future day, ask leave to introduce a bill to repeal that part of the ninth section of the act providing for assessing and collecting County and Territorial Revenue, which makes it the duty of the assessor, to value all improvements on claimed lands unsold as personal property.

On motion of Mr Cook,

Ordered, That the Governor's Message be taken from the table.

It was then, on motion of Mr Cook,

Ordered, That so much of the Message as relates to Commerce be referred to the committee on Territorial Affairs, and

On motion of Mr W. Patterson,

Ordered, That so much of the Message as relates to State Government, be referred to a Select Committee, composed of one from each electoral district, and,

That so much as relates to Indian Affairs, be referred to the committee on the Judiciary.

On motion of Mr Cook,

Ordered, That so much as relates to Public Buildings, be referred to the committee on Public Buildings.

On motion of Mr Wallace,

Ordered, That so much as relates to unsatisfied debts of the Territory be referred to the committee on Finance.

On motion of Mr Elbert,

Ordered, That so much as relates to the Penitentiary be referred to the committee on Finance.

On motion of Mr Cox,

Ordered, That so much as relates to the Militia, be referred to the committee on Military Affairs.

On motion of Mr Christie,

Ordered, That so much as relates to Public Instruction and School Lands, be referred to the committee on Schools.

On motion of Mr W. Patterson,

Ordered, That so much as relates to the incidental and miscellaneous expenditures of the present session be referred to the committee on Expenditures.

On motion of Mr Cook,

The Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, DECEMBER 12, 1843.

Mr Cook, from the Joint Committee appointed to prepare rules for the government of the intercourse between the two Houses, made the following report:

The committee appointed by the Council to act in conjunction with a similar committee on the part of the House of Representatives to frame rules for the government of the intercourse between the two Houses, respectfully report, that they have met in confer-

ence with the committee on the part of the House of Representatives, and that they have agreed to recommend to their respective Houses the adoption of the joint rules of the last session of the Legislative Assembly.

The report was concurred in.

The President announced the following named gentlemen as the Select Committee, consisting of one from each electoral district, to whom was referred that portion of the Governor's Message which relates to the formation of a State Government, viz :

Messrs William Patterson, Elbert, Leffler, Wallace, Teas, Harris, Cook, Christie and Cox.

On motion of Mr Wm Patterson,

The report of the committee to prepare rules for the government of the Council, was taken from the table, and the following offered as an amendment to the substitute for the 26th rule, viz:

A Secretary and an Assisting Secretary shall be appointed to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. They shall keep a correct journal of the daily proceedings and perform such other duties as shall appertain to their office. They shall let no journal records, accounts or papers be taken from their table or out of their custody, other than by regular mode of business of the Council, and if any papers in their charge shall be missing they shall make report to the President that it may be enquired into. It shall be their duty to transcribe, enroll, copy and engross all bills, memorials and resolutions, and to perform all other duties that may be required of them.

On motion of Mr Wallace,

The report as amended was adopted.

On motion of Mr Cook,

Ordered, That the Secretary be instructed to have fifty copies of the standing rules printed.

No. 2, C. F. A Joint Resolution relative to the sale of tools and other property belonging to the Territory of Iowa, was read a second time.

A motion was made by Mr Cox,

To have said Joint Resolution engrossed and read a third time on to-morrow.

Mr Harris moved to amend the motion by laying the resolution on the table, which the Council agreed to.

Mr Elbert, according to previous notice, introduced No. 3, C. F. A Bill to amend an act, entitled an act, to provide for assessing and collecting County and Territorial Revenue, which was read a first and second time, and

On motion of Mr Teas,

Was referred to the committee on Finance.

On motion of Mr Christie,

The Council adjourned, until to-morrow morning, at 10 o'clock.

WEDNESDAY MORNING, DECEMBER 13, 1843.

Mr Harris offered the following:

Resolved. That the Territorial Agent be requested to furnish the Council with a schedule of all the tools in his possession belonging to the Territory, designating such tools as should be reserved for the further prosecution of the work on the State House;

Which was adopted.

The President laid before the Council the following report of the Territorial Agent:—

REPORT OF THE TERRITORIAL AGENT.

OFFICE OF TERRITORIAL AGENT,
Iowa City, December 1, 1843. }

To the Honorable,

The Council and House of Representatives :

In obedience to law, I herewith respectfully submit my annual report, as Territorial Agent.

Under the provisions of the act defining the duties of Territorial Agent, approved the thirteenth day of February, 1843, I laid off the Promenade, the Lumber Yard, and the Quarry reserve, into out-lots and caused a regular plat thereof to be made out and certified to, by the County Surveyor, and had the same recorded by the County Recorder.

Previous to the public sales on the first Monday in May, I took to my assistance, William L. Gilbert and Stephen B. Gardner, Commissioners appointed and commissioned by the Governor for that purpose, and proceeded to revalue the unsold and forfeited lots, at the minimum of eighty dollars, as prescribed in the above recited act.

There were remaining, unsold on the first day of May last, three hundred and fifty-three city lots, and two out-lots of the original survey. In the new addition, there were ten out-lots added to the plat, also fourteen forfeited lots, together with the Governor's Square, making three hundred and seventy-eight city lots and out-lots, all of which were offered at public sale, on the first Monday of May last. At the public sale and up to the date of this report, there have been sold twenty-five lots and out-lots, leaving three hundred and fifty-three lots remaining unsold.

Total amount of unsold lots, on the

first day of May last,

Sales of 1843,

\$30,900

2,618

Amount of unsold lots,

\$28,282

THE COUNCIL.

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Notes remaining in the office, and in the hands of Attorneys for collec- tion on the 1st Dec., 1842,	\$12,452, 57
Sales of 1843,	2,618 00
	<hr/>
	\$15,070, 57
Notes remaining in the office,	\$5,199 38
Notes in the hands of Attorneys for collection,	2,402 44
Disbursements for 1843,	7,180 11
	<hr/>
	\$14,781 93
Excess of receipts over disbursements,	<hr/>
	288 64

In compliance with law, I have finished the north gable-end and chimneys of the Capitol and prepared two additional rooms for occupation the present season.

I have also delivered on the Public Square, near the Capitol, dimension stone for steps, and flagging for the front portico, which was as far as I could proceed the present season, with the limited means within my control.

There has been no considerable demand for lots this season. The heavy sales made in 1842, in addition to the sales made the three preceding years, have supplied the demand for lots. The mechanics and laborers of this place constitute a numerous and enterprising class of citizens, who have purchased lots for work on the Capitol, and who stand ready to accommodate those who desire to purchase, upon more favorable terms than the Territorial lots are offered.

Under these circumstances, candor compels me to say, that the operations on the Capitol must be partially suspended for a limited time, unless funds can be raised from some other source than from the sales of city lots.

The sales and collections hereafter made, should be applied to the payment of the outstanding demands against this office. These demands, including the debt due the Dubuque Bank, may be estimated at nine thousand dollars.

The outstanding Scrip, of the issue of 1841, has been taken in, and for the balance, held by Murray & Sanxay, I gave them a certificate, certifying the amount, and that its redemption was authorized by law. This certificate was given on the 19th day of August, for one thousand three hundred and sixty-five dollars; and I recommend that legal interest be allowed thereon, from the date thereof until paid. This will enable the holders to negotiate it in business. Murray and Sanxay claim interest on the amount of Scrip held by them during the years 1842 and '43. The average amount for 1842 may be estimated at two thousand dollars, and for 1843 at one thousand five hundred dollars, up to the date of the certificate referred to

—say nine months. Should this claim be allowed to them, it cannot set a precedent for similar demands for interest on the new issue of 1842, as it clearly sets forth Iowa City lots as the basis for its redemption.

Among the claims outstanding against this office, is one in favor of Shouk & Co., Lock manufacturers at Cincinnati. This company has an agency in this city, and has been in the habit of keeping a supply of locks for sale, but not having the kind wanted for the State House, their agent solicited the bill, which was furnished to him, and in October 1842, the shipment was made on the steamboat Boston, which was sunk on her passage to St Louis. The box containing those locks was reclaimed by the wreckers and sold at St Louis, one fourth for the benefit of the owners. Shouk & Co., through their agent, demand payment from the Territory for the bill, and as I am at a loss to determine the legality of this claim, or whether the Territory is bound, in good faith, to pay it, I submit the subject for the consideration of the Legislature.

In settling the account of Chauncy Swan, late Acting Commissioner, I find him charged with the appropriation made by Congress for the Capitol at Iowa City, \$20,000 00

Sales of Iowa City lots in the years 1839 and '40, 35,051 75

And also several miscellaneous receipts, 1,308 00

\$56,359 75

Notes handed over to Jesse Williams his successor in office,

\$18,283 75

Vouchers filed in this office,

35,227 34

Miscellaneous credits,

645 82

Salary account, embracing several incidental charges,

2,520 19

\$56,677 10

Leaving a balance due Chauncy Swan, of

\$317 35

I find the receipts of Jesse Williams, late Territorial Agent to be Scrip of 1840, redeemed in 1842 and 1843,

\$19,892 24

4,385 41

\$24,277 65

Disbursements of 1841, Salary account,

\$23,485 69

758 33

\$24,244 02

Leaving a balance in favor of the Territory, of

\$33 63

This account, although balanced, cannot be considered as settled. Should there be any further receipts of Scrip at this office of the issue of 1841, it will be charged to the account.

As it may be some time before the Capitol will be finished, the most judicious application should be made of the balance of the notes remaining in this office, which have accrued from the sales of 1842 and 1843, under the law authorizing the sales to be made for work and materials on the Capitol, and which cannot be collected in any other way, so long as the parties hold themselves in readiness to fulfil their contracts when called upon.

In addition to these notes, there will be a demand for lots, to be paid in work, which could not otherwise be sold sufficient to complete the steps and flagging of the east front portico. These porticos were not constructed of the best materials, and especially the one on the west front, which is now so far injured as to render it necessary to rebuild it. The east front portico having been constructed of better materials, is not materially injured, and may be saved from loss by adding the steps and flagging to it the ensuing season.

The temporary roof upon the dome is not sufficient to protect the building, and should be covered with shingles, and the gable ends securely boarded up. It is also necessary for the security of the foundation of the Capitol, that a fill should be made, extending from the south-east corner, and that there should be a regular grade made, sufficient to cause the water to pass off freely from all parts of the building.

All of which is respectfully submitted,

JOHN M. COLMAN,
Territorial Agent.

Which was read, and

On motion of Mr Elbert,

Ordered, That the report be laid upon the table, and that 500 copies of the same be printed for the use of the Council.

A message from the House of Representatives, by Mr Fales, their Chief Clerk.

Mr President, The House of Representatives have adopted the Joint Rules, reported by the Committee appointed for that purpose, and have appointed Messrs Hebard and Robb a Committee on Enrolled Bills on the part of the House.

And then he withdrew.

Mr Elbert gave notice that on some future day, he would introduce a bill to locate a Territorial Road from Keosauqua in Van Buren County, through Davis and Appanoose Counties, to the western line of the last named County.

On motion of Mr R. M. G. Patterson,

The Council adjourned until to-morrow morning, 10 o'clock.

THURSDAY MORNING, DECEMBER 14, 1843.

On motion of Mr Cox,
The Report of the Warden of the Iowa Penitentiary was taken
from the table and read, and
On motion of Mr Cox,
Was referred to the Committee on Territorial Affairs.
On motion of Mr R. M. G. Patterson,
The Council adjourned until to-morrow morning 10 o'clock.

FRIDAY MORNING, DECEMBER 15, 1843.

Mr Harris presented the petition of sundry citizens of Iowa City,
praying the donation of the south half of the north half of the
school reserve in block number sixty in Iowa City to the Baptist
Church of said City for church purposes.

On motion of Mr Harris,
Ordered, That said petition be referred to the Committee on
Schools.

Mr Gehon, on leave being granted, introduced
No. 4, C. F., A Bill to amend an Act entitled an Act to author-
ize Thomas McCraney and James Churchman, to keep a ferry a-
cross the Mississippi River, at or near the upper end of the City of
Du Buque.

Which was read a first and second time.

On motion of Mr Gehon,
Ordered, That said bill be engrossed and read a third time on
to-morrow.

A message from the House of Representatives by Mr Fales, their
Chief Clerk.

Mr PRESIDENT:

I herewith present for your signature,

An act to incorporate the Aspen Grove Cemetery Association,
the same having been signed by the Speaker of the House of Rep-
resentatives.

The House have passed with Amendments No. 1, C. F. An act
to locate a Territorial Road therein named, in which the concur-
rence of the Council is requested.

The House have also adopted the following resolutions:—

Resolved, (The Council concurring herein) That the following rule be added to and made one of the joint rules regulating the intercourse between the two Houses, to wit:—

All messages, reports or other documents, presented to either branch of this Assembly for general information, and ordered to be printed by such branch, shall when printed, be for the use of both branches. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other House, so that the same order may not be made in both Houses, also—

Resolved, (The Council concurring herein) That the two Houses will adjourn on Thursday the 21st inst. until Monday the 1st day of January, 1844.

In all of which, I am directed to ask the concurrence of the Council.

And then he withdrew.

The Act to incorporate the Aspen Grove Cemetery Association, was then signed by the President.

No. 1, C. F., A Bill to locate a Territorial Road, therein named, was returned from the House with the following amendment; strike out all after the word "road," in the title of the bill, and insert from "Farmington in Van Buren County to Autumwa in Wapello County,"—and,

On motion of Mr Elbert,

The amendment was concurred in.

The Resolution from the House of Representatives providing for an additional joint rule for the government of the intercourse between the two Houses, and the printing of all Messages, reports or other documents, presented to either branch of this Assembly for general information—

Was taken up and read, and

On motion of Mr Cox,

Was concurred in.

The Resolution from the House of Representatives relative to the adjournment of the two Houses on Thursday the 21st inst. to Monday the first day of January 1844, was

On motion of Mr Cox,

Laid on the table, subject to the order of the Council.

Mr Elbert asked leave of absence for Mr Teas for a few days, Which was granted.

On motion

The Council adjourned until to-morrow morning 10 o'clock.

SATURDAY MORNING, DECEMBER 16, 1843.

Mr William Patterson, from the select committee composed of one from each electoral district to whom was referred that part of the Governor's Message which relates to the formation of a State Government, reported

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Which was read a first time.

On motion of Mr Cox,

Ordered, That the usual number of copies be printed for the use of the Council.

Mr Elbert from the Committee on Enrolled Bills reported

No. 1, C. F., An act to locate a Territorial Road from Farmington in Van Buren county to Autumwa in Wapello county, as correctly enrolled.

Mr Cook, from the committee on Engrossed Bills, reported

No. 4, C. F. A Bill to amend an Act, entitled an Act, to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi River at or near the upper end of the city of Du Buque, as correctly engrossed.

No. 4, C. F. A Bill to amend an act entitled an act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi River, at or near the upper end of the city of Du Buque,

Was read a third time and passed and the title agreed to.

Ordered, That the Secretary notify the House of the same, and request their concurrence.

On motion of Mr W. Patterson,

The report of the Territorial Agent was taken from the table and read.

A Message from the House of Representatives by Mr Fales their chief clerk:

MR PRESIDENT:

I am directed to inform the Council that the House of Representatives have passed

No. 4, H. R. File, A Bill to amend an act entitled an act to provide for the assessment and collection of county and Territorial Revenue;

In which the concurrence of the Council is requested.

The House have appointed Messrs Hackleman, Nowlin and Wilson a committee on the part of the House, to act with a similar committee to be appointed on the part of the Council, to enquire in-

to the propriety of so amending the law districting the Territory into Electoral districts that the counties of Muscatine and Johnson shall have but one member.

And then he withdrew.

On motion of Mr William Patterson,

The report of the Territorial Agent was referred to the committee on Public Buildings.

No. 4, H. R. File, A Bill to amend an act, entitled an act, to provide for the assessment and collection of county and Territorial Revenue,

Was read a first and second time, and

On motion of Mr Cox,

The 13th rule was suspended, and the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of the same and request their concurrence.

The President appointed Messrs Harris, Wallace and Cox, a committee on the part of the Council, to act in conjunction with a similar committee appointed on the part of the House, to enquire into the propriety of so amending the law districting the Territory into electoral districts, that the counties of Muscatine and Johnson shall have but one member of the Council.

On motion of Mr Cook,

The Council adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, DECEMBER 18, 1843.

On motion of Mr Leffler,

Resolved, That the committee on Territorial Affairs be instructed to enquire into the propriety of memorializing Congress to establish a fourth Judicial District, embracing all that portion of country lately acquired from the Sauk and Fox Indians.

The President laid before the Council the following report of the Territorial Treasurer,

Which was read.

TREASURER'S OFFICE, IOWA,
Iowa City, December 1, 1843. }

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To the Honorable,

The Legislative Assembly:

GENTLEMEN:—In obedience to the provisions of the law, imposing on me that duty, I herewith submit the annual report of this office:

Iowa Territory, in account with M. Reno, Treasurer of said Territory, for Receipts and Expenditures in
1st Quarter, 1843.

1843.		Dr.	Cr.
		Dols. Cts.	Dols. Cts.
Warrants.	Funds in the Treasury, 1st January, 1843		32
No.	Treasury Draft No. 1, on Warrant No. 54, Jesse Williams on Des Moines county,		125 00
	T. Snyder, Treasurer, Johnson county,		15 00
	United States Treasury Draft No. 2434, for funds accruing to this Territory under the provisions of the act of congress of 4th September, 1841, distributing the funds arising from the sales of Public Lands, &c.		1508 03
	Expenditures 1st quarter, 1843		
" 54	Theodore Sanxay	125 00	
" 1	Laurel Summers	40 00	
	Balance 1st quarter, 1843		1483 35
	Receipts 2d quarter. 1843.		
	T. Snyder, Treasurer of Johnson county, by Warrants Nos. 7 and 8,		42 00
	Treasury Draft No. 2, on Warrant No. 5, Oliver Fairchild on Muscatine county,		10 00

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1843.				Dr	Cr
Warrants.	No.			Dlls. cts.	Dlls. cts.
		Treasury Draft, No. 3, on Warrant No. 83, J. Grogan, on Henry County.			15,00
		Expenditures 2nd quarter, 1843.			
"	8	Walter Butler,		30 00	
"	7	Van Antwerp and Hughes,		12 00	
"	5	Oliver Fairchild,		10 00	
"	13	David Warfield,		14 81	
"	18	Edwin Guthrie,		10 40	
"	19	do. do.		36 31	
"	20	do. do.		44 16	
"	21	Charles Jewett,		21 20	
"	23	Solomon Fine,		53 00	
"	16	James Wilson,		39 72	
"	17	Wilson, Perry and Co.		54 81	
"	3	Hawkins Taylor,		14 31	
"	15	do. do.		3 18	
"	39	John Waters,		4 50	
"	40	John Claypole,		90 17	
"	22	do. do.		49 57	
"	26	Peter Miller,		28 77	
"	27	do. do.		39 43	
"	28	do. do. (new issue)		41 24	
"	29	William Augabright,		2 98	
"	33	William Anderson,		32 02	
"	34	do. do.		21 78	
"	35	do. do.		104 89	

1843.		Dr.	Cr.
Warrants.		Dlls. cts.	Dlls. cts.
No. 36	William Anderson,	47 83	
" 24	J. W. & W. G. Albright,	73 08	
" 25	George Van Buskirk,	1 98	
" 32	Fitzpatrick & Dorsey,	16 18	
" 30	John M. Lines,	25 83	
" 31	John C. Tull,	6 62	
" 37	Richard Pritchard,	2 92	
" 38	Stuart & Brown,	2 02	
	Tresury Draft No. 16, on Des Moines county, Favor of James Cameron, (Protested.)	80 51	
" 12	James Cameron,	10 74	
	Treasury Draft, No. 18, on Warrant No. 62, William Green on Jefferson county.	22 00	
" 10	William Green,	9 00	
" 75	W. H. Woodbridge	2 45	
" 56	George W. Cummings,	47 70	
" 63	William Reynolds,	22 63	
" 28	James Davis ("old issue")	6 55	
	Jesse Williams, Auditor Public Accounts salary in part for year ending 14th January 1843,	26 50	
" 41	Hughes and Williams,	2 50	
" 14	Reagan and Gilbert,	2 50	
" 9	Ezra Bliss,	3 00	
	Treasury Draft No, January 19th 1842, Jesse Williams Auditor Public Accounts Salary for the year ending 14th January, 1842, on Lee county, (Protested.)	26 50	

1843.

Warrants.		Dr	Cr
No.		Dlls. cts.	Dlls. cts.
Brought forward,			1550 35
	Treasury Draft No. 20, on Warrant No. 74, O. H. W. Stull, drawn on Des Moines county, (Protested.)	75 00	
	William L. Gilbert, Auditor Public Accounts, Salary in part 1st. quarter 1843,	45 00	
" 5	Jones and Powell,	4 00	
" 49	Hughes and Williams,	4 00	
" 83	John Grogan	15 00	
" 67	M. Reno,	25 00	
" 50	do. do.	75 00	
	William L. Gilbert, Auditor Public Accounts, Salary in full for 1st quarter 1843,	30 00	
" 4	O. H. W. Stull,	25 00	
		<hr/>	
		\$1496 30	
		<hr/>	
Balance ending 2nd quarter, 1843			\$54 05
Receipts 3rd quarter, 1843.			
	T. Snyder, Treasurer of Johnson county,		5 00
	T. Snyder, Treasurer of Johnson county, by Auditor's Warrant No. 53,		6 00
	Thomas Rickey, Treasurer of Linn county, by Auditor's Warrant No. 65.		37 87
Carried forward,			<hr/>
			\$102 92

THE COUNCIL.

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1843.		Dr.	Cr.
Warrants.		Dlls. cts.	Dlls. cts.
	Brought forward,		102 92
	Expenditures 3rd quarter, 1843		
No. 53	Walter Butler,	6 00	
" 65	H. W. Gray	37 87	
	William L. Gilbert, Auditor Public Accounts, Salary in part for		
	2nd quarter, 1843,	3 10	
" 56	M. Reno,	40 00	
		<hr/>	
		\$86 97	
	Balance 30th September, 1843		\$15 95
	Receipts 4th quarter 1843		
	T. Snyder, Treasurer of Johnson county, by Territorial Revenue		
	By Treasury Draft No. 4899, 3d November, 1843, on Receiver		
	of Public Monies, Fairfield, Iowa Territory, being a balance		
	due this Territory from the distribution fund according to act of		
	Congress 4th September, 1841		185 67
	J. Wilson, Treasurer of Washington county, by Auditor's War-		
	rant No. 82, A. Grogan		22 00
	William S. Viney, Treasurer of Henry county,		
	By Warrant No. 84, J. P. A. Box,		12 00
	By Warrant No. 81, Luke Booth,		12 00
	By Warrant No. 50, Samuel Smith		64 50
	By Warrant No. 78, E. Killpatrick,		36 25
	By Warrant No. 80, Samuel Ralston		67 85
	Carried forward		

1843.

Warrants.
No.

		Dr.	cr.
		Dlls. cts.	Dlls. cts.
Brought forward,			
By Warrant October 4th 1841 William Reynolds			62 50
G. F. Thomas, Treasurer Louisa county, by Treasury Draft			
10th April, 1843, F. Springer			94 73
By Warrant No. 60 C. M. McDaniel,			5 49
By Warrant No. 47 William Reynolds.			62 50
By Warrant No. 46 do. do.			62 50
By Warrant No. 59 G. C. Ingraham.			9 12
John G. Tonera Treasurer, Lee county,			
By Warrant No. 25 John H. Lines,			92 24
By Warrant No. 14, Henry Hefflemen,			50 00
By Warrant No. 57, Maj. Henry King,			79 00
By Warrant No. 26, B. W. Gillock,			189 73
By Warrant No. 53, do. do.			54 00
Henry Moore, Treasurer Des Moines county,			
By Treasury certificate No. 30, J. Cameron,			29 76
By Treasury certificate No. 35, J. Williams,			18 17
By Treasury certificate No. 69, 68, 76, and 77, M. Reno,			55 37
John Evans, Treasurer of Scott county,			
By Warrant No. 8, D. Hoge,			14 12
By Warrant No. 10, do. do.			20 00
By Warrant No. 44, do. do.			16 56
By Warrant No. 9, A. H. Davenport,			6 99
By Warrant No. 51, do. do.			9 00
By Warrant No. 45, do. do.			9 37
Carried forward,			

THE COUNCIL.

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1843.

Warrants.
No.

Brought forward,
By Warrant No. 6, John W. Brown,
By Warrant No. 1 Samuel Summers,
By Warrant No. 72, Jared N. Snow,
Expenditures 4th quarter, 1843

William L. Gilbert, Auditor Public Accounts, salary, as per re-
ceipt filed

" 55 M. Reno,
" 82 A. Grogan,
" 59 John Hawkins, Administrator of James Hawkins,
" 84 James P. A. Box,
" 81 Luke Booth,
" 50 Samuel Smith,
" 78 E. Killpatrick,
" 80 Samuel Ralston,
William Reynolds, October, 4th, 1841,
" 57 M. Reno,
" 60 C. M. McDaniel
" 47 William Reynolds,
" 46 do. do.
" 59 Z. C. Inghram,
" 53 B. W. Gillock,
" 26 do. do.
" 57 Maj. H. King,
" 14 Henry Heffleman,

Carried forward,

Dr.
Dlrs. cts.

cr.
Dlrs. cts.

16 00
130 00
14 00

1520 07

70 00
75 00
22 00
45 00
12 00
12 00
64 50
36 25
67 85
62 50
35 00
5 49
62 50
62 50
9 12
54 00
189 73
79 00
14 00

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1843.		Dr.	cr.
Warrants.		Dlls. cts.	Dlls. cts.
	Brought forward,		
No. 25	John H. Lines,	92 24	
" 77	M. Reno,	13 00	
" 76	do. do.	12 00	
	Jesse Williams, Treasury Certificate, No. 35,	18 17	
	James Cameron, Treasury Certificate No. 30,	29 76	
" 68	M. Reno,	25 00	
" 69	do. do.	5 37	
" 10	D. Hoge,	20 00	
" 8	do. do.	14 12	
" 44	do. do.	16 56	
" 9	A. H. Davenport,	6 99	
" 51	do. do.	9 00	
" 45	do. do.	9 37	
" 6	John W. Brown,	16 00	
" 1	Laurel Summers,	130 00	
" 72	Jared N. Snow,	14 00	
Total amount of Expenditures 4th quarter, 1843.		1410 02	
Total amount of Receipts, 4th quarter, 1843.			1520 07
Balance in Treasury, 6th December, 1843.			110 05
All of which is respectfully submitted,			
By your very obt. Sert.			
M. RENO, Ter. Treas.			

Mr Cook moved to lay the report on the table and that 500 copies of the same be printed, for the use of the two Houses.

Mr Cox, asked for a division of the question, which was had.

The question was taken upon laying said report on the table, and agreed to.

On motion of Mr Cox,

The Resolution of the House of Representatives, providing for an adjournment of the two Houses, on Thursday, the 21st inst., until Monday the first day of January, 1844,

Was taken from the table and concurred in.

On motion of Mr Wallace,

The Territorial Treasurer's Report,

Was taken from the table and referred to the committee on Finance.

On motion of Mr Gehon,

The Council adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, DECEMBER 19, 1843.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House have received the Annual Report of the Auditor of Public Accounts, and have ordered 480 copies to be printed for the use of both Houses.

I herewith return an act to locate a Territorial Road from Farmington in Van Buren County, to Autumwa in Wapello county, The same having been signed by the Speaker of the House of Representatives.

I am also directed to present for your signature—

An act to amend an act, to provide for the assessment and collection of county and Territorial Revenue.

And then he withdrew.

The President then signed the above entitled act, also an act to locate a Territorial Road from Farmington in Van Buren county to Autumwa in Wapello county.

The President laid before the Council, the following communication from the Territorial Agent.

Which was read.

In obedience to a Resolution of the Council requiring the Territorial Agent to furnish a schedule of all the tools in his possession belonging to the Territory, designating such as should be reserved, for the further prosecution of the work on the State House, I submit the following schedule, to wit:—

12 Crow bars—6 drills.
1 keg slips and wedges,
3 Patent axes,
2 shovels,
2 Sledges,
1 Square hammer,
2 hand hammers,
3 pair lewis tools,
1 truck—2 wheelbarrows,
2 hoes,
1 log chain,
7 stone picks,
1 lot bolts and screws,
1 derrick and irons,
1 large derrick rope,
3 guy ropes,
10 teackle bolts,
10 straight edges,
8 guages—5 wooden squares,
1 level—1 scraper,

1 stone boat; all of which will be wanted in the further prosecution of the work on the State House. Yet if the work should be suspended at the quarry the ensuing season, I think it would be advisable to sell the boat.

The foregoing schedule embraces all the tools now in my possession, and as near as I can recollect, all which came into my possession, except what has been worn out at the quarry during the summer.

In the spring of 1842, when the work was commenced on the State House there was a deficiency of tools, during the summer and autumn of that year a considerable amount of tools were taken from the building belonging to the Territory and the stone cutters.

At one time the loss was so heavy as to influence the Superintendent and one of the stone cutters to take out a search warrant, and make search but no discovery was made at that time; a valuable bar of cast steel was taken which had been used as a triangle on the building. The losses have been the heaviest among the quarry tools, they being the most exposed. In addition to the trespasses which have been committed, there has been a large amount of the smaller class of tools worn out, such as hand drills, stone picks, mattocks, shovels, spades and hoes, these will not last in a quarry more than one and two years, the tools have been continually diminishing without means to supply the deficiency for the last two years.

All of which is respectfully submitted,

JOHN W. COLEMAN,

Territorial Agent.

On motion of Mr Cook,
Ordered, That the Communication from the Territorial Agent,
just read, be laid upon the table, subject to the order of the Council.
No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Was read a second time, and,

On motion of Mr Harris,
Was laid on the table, subject to the order of the Council.

On motion of Mr Cox,
No. 2, C. F., A Joint Resolution relative to the sale of tools and other property belonging to the Territory of Iowa,

Was taken from the table,

And the Communication of the Territorial Agent of this day, relative to the same matter, were referred to the Committee on Public Buildings.

Mr Cook moved,

To reconsider the vote taken on yesterday, relative to the adjournment of the two Houses, on Thursday, the 21st inst., until Monday the first day of January, 1844,

Which was decided in the negative.

Mr Christie, gave notice that on to-morrow or some subsequent day, he would introduce a bill to encourage the destruction of wolves.

Also, a bill for districting the County of Scott into Commissioners districts.

Mr Cook, from the Committee on Finance, to whom was referred the report of the Territorial Treasurer,

Reported the same back to the Council, and recommended that the Secretary of the Council be directed to make out an abstract of said report, and that 300 copies of the same be printed for the use of both Houses,

Which report was concurred in.

On motion of Mr Cook,

Ordered That 180 additional copies of the said abstract be printed.

On motion of Mr Harris,

The Council adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, DECEMBER 20, 1843.

Mr William Patterson from the committee on Territorial Affairs, reported,

No. 6, C. F., A Memorial to Congress relative to the formation of

a Constitution and State Government. (See Journal of January 2, 1844.)

Which was read a first and second time.

Mr Wallace moved to amend said memorial by striking out 15,000 and inserting 20,000.

The question was lost.

On motion of Mr William Patterson,

No. 6, C. F., A memorial to Congress relative to the formation of a Constitution and State Government, was referred to the committee on Territorial Affairs, with instructions to report such boundaries for the future State of Iowa as would be acceptable to the people of Iowa.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

MR PRESIDENT:

The House of Representatives have passed—

No. 4, C. F., An act to amend an act entitled an act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi River at or near the upper end of the City of Du Buque. Also,

No. 6, H. R. F., An act to authorize Daniel C. Davis to keep a ferry at Montrose in Lee county.

In which the concurrence of the Council is requested.

And then he withdrew.

Mr Elbert from the committee on Enrolled Bills, reported,

That the committee on Enrollments presented to his Excellency the Governor for his signature, on the 19th inst.

An act to locate a Territorial Road from Farmington in Van Buren county to Autumwa in Wapello county.

No. 6, H. R. File, An act to authorize Daniel C. Davis to keep a ferry at Montrose in Lee county,

Was read a first and second time.

On motion of Mr Wm Patterson,

The 13th rule was suspended and the bill read a third time, passed and title agreed to.

Ordered, That the Secretary inform the House of the same and request their concurrence.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

MR PRESIDENT:

The House of Representatives have passed—

No. 12, H. R. File, A Joint Resolution in testimony of respect of the late Lewis F. Linn of Missouri.

In which I am directed to ask the concurrence of the Council.

No. 12, H. R. File, A Joint Resolution in testimony of respect of the late Lewis F. Linn of Missouri,

Was read a first and second time.

On motion of Mr Leffler,

The 13th rule was suspended and the Resolution read a third time and passed.

Mr Harris gave notice that he would on to-morrow or some future day introduce a bill to incorporate the Iowa City Manufacturing Company.

On motion of Mr Wm. Patterson,

The Council adjourned until to-morrow morning 8 o'clock.

THURSDAY MORNING, DECEMBER 21, 1843.

Mr Cook on leave introduced,

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company,

Which was read, and two hundred and forty copies ordered to be printed.

Mr Elbert, gave notice that he would on some future day, ask leave to introduce

A Bill to locate a Territorial road from the Southern boundary of Davis county, through the centre of said county via Autumwa, in Wapello county to the Northern boundary of the last mentioned county.

On motion of Mr Cook,

The Council adjourned until the first day of January next.

MONDAY MORNING, JANUARY 1, 1844.

Mr William Patterson,

Presented the petition of Rachel Hamilton, Administratrix of the Estate of James Hamilton, deceased: praying the privilege to sell at private sale, the real estate of said intestate.

Also, the petition of William B. Peck, praying that his name may be changed from that of William B. Peck, to William Frederick Pelford, and that his wife, Ann M. Peck, may assume the name of Ann M. Pelford.

Which petitions, were

On motion of Mr Wm Patterson,
Referred to the committee on the Judiciary.

Mr Elbert from the committee on Enrolled Bills, reported
No. 4, C. F., An act to amend an act, entitled an act to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi River at or near the upper end of the city of Du Buque, as correctly enrolled.

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company, being in order for a second reading,

On motion of Mr Cox,

The consideration of said bill was postponed until to-morrow.

A Message from the House of Representatives by Mr Fales their chief clerk:

MR PRESIDENT:

The House of Representatives have passed

No. 9, H. R. File, A Bill to legalize the acts of Isaac Parsons, Coroner of Louisa county, and also an acting Justice of the Peace of Jefferson Township in said county,

In which I am directed to ask the concurrence of the Council.

And then he withdrew.

No. 9, H. R. File, was read a first and second time, and

On motion of Mr Springer,

The 13th rule was suspended and the bill read a third time, passed and title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

Mr Springer gave notice that he would on to-morrow or some future day ask leave to introduce A Bill for the relief of Chauncy Swan.

On motion of Mr R. M. G. Patterson,

The Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, JANUARY 2, 1844.

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company was read a second time, and

On motion of Mr Harris,

Said bill was referred to a select committee of three.

The President appointed Messrs Harris, Wallace and Cox, said committee.

Mr Wallace, on leave being granted, introduced
No. 8, C. F., A Bill to amend an act entitled an act to authorize
Robert M. G. Patterson to establish and keep a ferry across the
Mississippi at the mouth of Nassau Slough.

Which was read a first and second time.

On motion of Mr William Patterson,
The thirteenth rule was suspended and the bill read a third time
and passed.

On motion of Mr Wallace,

The title of said bill was amended by inserting the word "River,"
after the word Mississippi.

The title as amended was then agreed to.

Mr William Patterson from the committee on Territorial Affairs,
to whom was referred,

No. 6, C. F., A Memorial to Congress relative to the formation of
a Constitution and State Government,

Reported the following as a substitute.

*To the Honorable the Senate and House of Representatives of the
United States in Congress Assembled.*

Your Memorialists the Council and House of Representatives of
the Territory of Iowa, respectfully ask the Congress of the United
States to pass an act authorizing the people of said Territory to
hold a Convention for the purpose of forming a Constitution and
State Government, at such time, place, and under such regulations
as the Legislative Assembly of the said Territory may prescribe,
and also making an appropriation of fifteen thousand dollars for de-
fraying the expenses of said Convention, and also defining the
boundaries of the new State. And your memorialists would respect-
fully suggest the following as the most natural and suitable bounda-
ries for our State, to wit:

Beginning in the middle of the main channel of the Mississippi
River at a point east of the middle of the main channel of the Des
Moines River where it empties into the Mississippi River, thence up
the Mississippi River, following the middle of the main channel of
the same to the mouth of the St Peters River, following the middle
of the main channel of the same to the mouth of Blue Earth River,
thence up the Blue Earth River following the middle of the main
channel of the same to the most westerly source of said River, thence
on a direct line to the source of Cactus River, an east branch of
Calumet or Sioux River, thence down said river following the mid-
dle of the main channel thereof to the middle of the main channel of
the Missouri River, thence down the Missouri River following the
middle of the main channel thereof to a point west of the line that
may be established by Congress under the act approved, June 18th,
1838, entitled an act to authorize the President of the United States
to cause the southern boundary line of the Territory of Iowa to be
ascertained and marked; thence east with said line to the middle of
the main channel in the Des Moines River, thence downward along

the middle of the main channel of the Des Moines River to the place of beginning.

Resolved, That his Excellency the Governor, be requested to forward copies of the foregoing memorial to the President of the Senate, the Speaker of the House of Representatives and to our Delegate in Congress.

On motion of Mr Leffler,

Ordered, That the memorial be laid upon the table, and that fifty copies of the same be printed.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House of Representatives have passed,
No. 13, H. R. File. A Bill to amend an act entitled an act districting the Territory into Electoral Districts,

In which the concurrence of the Council is requested.

I herewith present for your signature—

Joint Resolutions in testimony of Respect to the late Lewis F. Linn, of Missouri.

And then he withdrew.

The President then signed the above Resolutions.

No. 13, H. R. File, A Bill to amend an act entitled an act, districting the Territory into Electoral Districts,

Was read a first time.

On motion of Mr Jenkins,

The Council adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, JANUARY 3, 1844.

No. 13, H. R. File, A Bill to amend an act, entitled an act, districting the Territory into Electoral districts,

Was read a second time, and

On motion of Mr Harris,

Was referred to a select Committee of three.

The President appointed Messrs Harris, Leffler and Cook, said Committee.

Mr Wallace, from the Committee on the Judiciary, to whom was referred,

No. 2, C. F., A Joint Resolution relative to the sale of tools and other property, belonging to the Territory of Iowa,

Report the same back without amendments, and recommend its passage.

Mr William Patterson, offered the following:

Resolved, That a select Committee of three be appointed to enquire into the propriety of so amending the Penitentiary Law, as to provide for leasing the same,

Which was agreed to, and

Messrs William Patterson, Cox and Teas,

Were appointed said Committee.

Mr Elbert on leave being granted, introduced

No. 9, C. F., A Bill to locate a territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose County,

Which was read a first and second time.

On motion of Mr Elbert,

The thirteenth rule was suspended, and the bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Springer, presented the petition of sundry citizens of Louisa county praying the passage of a law, exempting all ministers of the gospel from paying ferriage.

On motion of Mr Springer,

Said petition was referred to the Committee on Territorial Affairs.

On motion of Mr Springer,

The Council adjourned until to-morrow morning, 10 o'clock.

THURSDAY MORNING, JANUARY 4, 1844.

Mr Leffler,

Presented the petition of sundry citizens of Des Moines county, praying the Legislative Assembly to grant to David B. Anderson and Henry C. Anderson the privilege of establishing and keeping a ferry across the Mississippi River at the lower end of the city of Burlington in said county.

Also, the petition of sundry citizens of the same county, praying the location of a road from the lower or southern end of Water or Front Street in the City of Burlington, to the Steam Mill of David B. Anderson.

Which petitions were read, and

On motion of Mr Leffler,

Were referred to a select committee of three.

Messrs Leffler, R. M. G. Patterson and Christie, were appointed said committee.

Mr Harris, from the select committee to whom was referred,

No. 13, H. R. File, A Bill to amend an act entitled an act districting the Territory into Electoral Districts,

Reported the same back to the Council without amendments.

Mr Wallace from the committee on the Judiciary, to whom was referred the petition of Rachael Hamilton, Administratrix of the Estate of James Hamilton, deceased, reported

No. 10, C. F., A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named, which

On motion of Mr Cook,

Was laid upon the table until to-morrow.

No 2, C. F., A Joint Resolution relative to the sale of tools and other property belonging to the Territory of Iowa,

Was read a second time, and

On motion of Mr Wallace,

Was laid upon the table, subject to the order of the Council.

No. 6, C. F., A Memorial to Congress relative to the formation of a Constitution and State Government

Was read a second time.

The Council then resolved itself into a committee of the Whole, for the consideration of said memorial,

Mr Wallace in the Chair;

And after some time spent therein,

Mr President resumed the chair, and

Mr Wallace reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment, and ask the concurrence of the Council.

The Council then concurred in the amendment.

Mr Cox moved,

To amend said memorial by striking out all after the word *the* the 5th word in the fifth line, to the word *to* in the ninth line, and inserting, forty fifth degree of north latitude, thence on the parallel of said forty fifth degree of north latitude,

Which was agreed to.

On motion of Mr Cox,

Ordered, That the said memorial be engrossed,

And read a third time on to-morrow.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

I herewith present for your signature,

An act to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county;

Also an act to legalize the acts of Isaac Parsons, Coroner of Louisa county, and Justice of the Peace of Jefferson township, in said county.

I herewith return an act, to amend an act, entitled an act to au-

thorize Thomas McCraney and James Churchman to keep a Ferry across the Mississippi River, at or near the upper end of the City of Du Buque,

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts.

Mr William Patterson gave notice that he would on to-morrow or some subsequent day ask leave to introduce a bill to authorize Guy Wells and James Wilson to keep a Ferry across the Mississippi River at Fort Madison.

On motion of Mr W. Patterson,

The Council adjourned until to-morrow morning, 10 o'clock.

FRIDAY MORNING, JANUARY 5, 1844.

Mr Elbert offered the following:

Resolved, That a select Committee be appointed to ascertain whether the Secretary of the Treasury of the United States, has complied with an act of Congress, approved July 20th, 1840, authorizing him to locate two entire townships of land for the support of a University in Iowa Territory, &c. and make a report concerning the same, at some future day.

Which was adopted.

Messrs Elbert, Gehon, and Leffler were appointed said Committee.

Mr Leffler, from the select Committee, to whom was referred the petition of sundry citizens of Des Moines County, praying the establishment of a ferry at the lower end of Burlington, reported,

No. 11, C. F., A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a ferry across the Mississippi River, opposite the lower end of Burlington,

Which was read a first and second time,

On motion of Mr Leffler,

Ordered, That said bill be engrossed,

And read a third time on to-morrow.

Mr Wallace from the Committee on the Judiciary, to whom was referred the petition of William B. Peck, and Ann M. Peck, reported,

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck,

Which was read a first time.

Mr Cook, from the Committee on Engrossed Bills, reported

No. 6, C. F., A Memorial to Congress relative to the formation of a Constitution and State Government, as correctly engrossed.

Mr Leffler, from the select Committee to whom was referred the petition of sundry citizens of Des Moines county, praying for the location of a road from the lower end of Burlington to David B. Anderson's mill, reported,

No. 13, C. F., A Bill to establish and locate a road from the lower end of Water street in the City of Burlington, to David B. Anderson's mill,

Which was read a first and second time;

On motion of Mr Leffler,

The 13th rule was suspended and the bill read a third time, passed and title agreed to.

Ordered, That the Secretary inform the House of the same and request their concurrence.

On motion of Mr Elbert,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

No. 13, H. R. File, A Bill to amend an act entitled an act districting the Territory into Electoral Districts,

Was read a second time, and

On motion of Mr Leffler,

The thirteenth rule was suspended and the bill read a third time, passed, and title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

Mr Wallace gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a joint resolution asking Congress for an appropriation to defray the expenses of a treaty with the Potawatamie Indians for the purchase of all their lands east of the Mississippi River.

Mr William Patterson from the Committee on Territorial Affairs, to whom was referred the petition of sundry citizens of Louisa county praying the passage of a law, exempting all ministers of the gospel from paying ferriage,

Report, That said Committee have had the same under consideration, and think it inexpedient to grant the prayer of the petitioners,

Which report was concurred in.

Mr Elbert from the committee on Enrolled Bills, reported,

That the committee on Enrollments presented to his Excellency the Governor for his signature, on this day, January 5th inst., an act to amend an act, entitled an act, to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi River at or near the upper end of the city of Du Buque.

Mr William Patterson according to previous notice introduced, No. 14, C. F. A Bill to authorize Guy Wells and James Wil-

son, to establish and keep a ferry across the Mississippi River at Fort Madison in Lee County,

Which was read a first time.

Mr Christie on leave being granted introduced,

No. 15, C. F., A bill to encourage the destruction of wolves,
Which was read a first time,

On motion of Mr William Patterson,

No. 10, C. F., A Bill to authorize Rachel Hamilton, Administratrix of the Estate of James Hamilton, deceased, to sell and convey certain real property therein named,

Was taken from the table and read a second time.

Mr Cook moved to refer said bill to the committee on the Judiciary with instructions,

Which was lost.

Mr William Patterson moved to have said bill engrossed and read a third time on Monday next,

Which was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired by Mr Cook,

Those who voted in the affirmative were Messrs Cox, Gehon, William Patterson, R. M. G. Patterson, Wallace and Springer, President.

Those who voted in the negative, were Messrs Cook, Christie, Elbert, Harris, Jenkins, Leffler and Teas.

On motion of Mr Wm Patterson,

Ordered, That said bill do lie upon the table until Monday.

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison in Lee county,

Was read a second time; and,

On motion of Mr Wm Patterson,

Was ordered to be engrossed and read a third time, on Monday next.

On motion of Mr Wallace,

No. 2, C. F., A Joint Resolution relative to the sale of tools and other property belonging to the Territory of Iowa,

Was taken from the table, and read a second time.

Mr Wallace moved to amend said Joint Resolution by striking out the words Superintendent of Public Buildings at Iowa City, and the word Superintendent, wherever it afterwards occurs and insert the words "Territorial Agent," which was agreed to.

On motion of Mr Cox,

The thirteenth rule was suspended, and the Joint Resolution read a third time and passed.

Ordered, That the Secretary notify the House of the same and request their concurrence.

On motion of Mr Cook,

The Council adjourned until to-morrow morning 10 o'clock.

SATURDAY MORNING, JANUARY 6, 1844.

Mr Teas presented the petition of George H. Jennison and others praying the location of a Territorial Road, &c.

Which was read, and,

On motion of Mr Teas,

Was referred to the committee on Roads.

Mr Leffler, from the committee on Schools to whom was referred the petition of sundry citizens of Iowa City, praying the donation of a lot of ground in said city, for Church purposes, reported,

No. 16, C. F., A Bill for an act granting to the Baptist Church of Iowa City, a certain lot of ground therein named,

Which was read a first time.

Mr Cook from the committee on Engrossed Bills, reported

No. 11, C. F., A Bill to establish a ferry across the Mississippi River opposite Burlington. And,

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison in Lee county, as correctly engrossed.

Mr William Patterson from the committee on Territorial Affairs, to whom was referred the Report of the Warden of the Iowa Penitentiary, reported,

No. 17, C. F., A Joint Resolution authorizing the Auditor of Public Accounts, to audit the account of Edwin Guthrie, for work done on the Penitentiary,

Which was read a first and second time.

On motion of Mr Wm Patterson,

Ordered, That said Resolution be engrossed and read a third time on Monday next.

Mr William Patterson from the Select Committee, to whom was referred the Report of the Warden of the Iowa Penitentiary with instructions to report as to the expediency of leasing the same, reported,

No. 18, C. F., A Bill to provide for leasing the Penitentiary,

Which was read a first time; and,

On motion of Mr Leffler,

Ordered, That the usual number of copies be printed.

No. 12, C. F., A Bill to change the name of William B. Peck and Ann M. Peck,

Was read a second time.

A motion was made by Mr Cook,

To amend said bill by adding to the first section of said bill the words, "or liabilities,"

Which was agreed to.

On motion of Mr Wm Patterson,
Ordered, That said bill be engrossed and read a third time on Monday next.

No. 15, C. F., A Bill to encourage the destruction of wolves,
Was read a second time, and

On motion of Mr Christie,
Was referred to a Select Committee of one from each electoral district.

Messrs Christie, Gehon, Harris, Cook, Wallace, Teas, Leffler, R. M. G. Patterson and Jenkins, were appointed said committee.

No. 11, C. F., A Bill to establish a ferry across the Mississippi River opposite Burlington,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of the same and request their concurrence.

On motion of Mr Wallace,

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Was taken from the table; and,

On motion of Mr Wallace,

The Council resolved itself into a Committee of the Whole, for the consideration of said bill.

Mr Leffler in the Chair;

After some time spent therein,

Mr President resumed the Chair, and Mr Leffler reported that the committee had, according to order, had said bill under consideration and instructed him to report progress and ask leave to sit again.

Leave was granted.

On motion of Mr Cook,

The consideration of said bill was made the order of the day for Wednesday the 10th day of January.

A Message from the House of Representatives, by Mr Fales their chief clerk:

MR PRESIDENT:

The House of Representatives have passed

No. 17, H. R. File, An Act to incorporate the Board of Trustees of the Congregational Church of Burlington,

In which I am directed to ask the concurrence of the Council.

And then he withdrew.

Mr Wallace gave notice that he would on Monday or some future day ask leave to introduce A Bill to Abolish Capital Punishment.

Mr Teas gave notice that he would on some future day ask

leave to introduce a bill to regulate the Practice of Physic, and to prescribe the qualifications of Practising Physicians.

No. 17, H. R. File, An Act to incorporate the Board of Trustees of the Congregational Church of Burlington.

Was read a first time.

The President announced a communication from the Governor on Executive business.

On motion of Mr Cook,

Ordered, That Monday next be assigned for the consideration of Executive Business.

On motion of Mr Leffler,

The Council adjourned until Monday morning 10 o'clock.

MONDAY MORNING, JANUARY 8, 1844.

Mr Wm Patterson presented the petition of sundry citizens of Lee county, praying the repeal of the act subjecting real and personal estate to execution, approved February 20th, 1843.

On motion of Mr William Patterson,

Said petition was laid upon the table.

Mr Cook from the Committee on Engrossed Bills reported,

No. 17, C. F., A Joint Resolution authorizing the Auditor of Public Accounts to audit the account of Edwin Guthrie, for work done on the Penitentiary, and

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck, as correctly engrossed.

No. 16, C. F., A Bill, for an act granting to the Baptist Church of Iowa City, a certain lot of ground therein named,

Was read a second time, and

On motion of Mr Harris,

Said bill was laid upon the table subject to the order of the Council.

No. 17, H. R. File, An act to incorporate the Board of Trustees of the Congregational church of Burlington,

Was read a second time, and

On motion of Mr Leffler,

Said bill was referred to a select committee of three.

Messrs Leffler, Teas and Wallace, were appointed said committee.

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck,

Was read a third time, passed, and title agreed to.

No. 17, C. F., A Joint Resolution, authorizing the Auditor of

Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary,

Was read a third time.

Mr Cook asked the unanimous consent of the Council, to amend the same, by adding the words, "Provided said Warden produce satisfactory vouchers to the Auditor of the correctness of his claim,"

Which was agreed to.

Said resolution, as amended,

Was then read a third time and passed.

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county,

Being the order of the day,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 10, C. F., A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named,

Was read a second time.

A motion was made by Mr Wm Patterson,

To have said bill engrossed and read a third time on to-morrow.

And the question being put, it was decided in the affirmative.

Yeas—8,

Nays--5.

The yeas and nays being desired by Mr Cook,

Those who voted in the affirmative, were

Messrs Cox, Christie, Gehon, Jenkins, Wm Patterson, R. M. G. Patterson, Wallace, and Mr President,

Those who voted in the negative, were

Messrs Cook, Elbert, Harris, Leffler and Teas.

Mr Wallace, according to previous notice, introduced No. 19, C. F., A Bill to Abolish Capital Punishment,

Which was read a first time.

The consideration of Executive Business being the order of the day,

On motion of Mr Cook,

Ordered, That the Council resolve itself into an Executive Session.

After some time spent therein, the Executive Session rose.

On motion,

The Council adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, JANUARY 9, 1844.

The election of President of the Council being the standing order of the day,

On motion of Mr Leffler,

Ordered, That the Council proceed to the election of President: Messrs Harris and Christie, acting as tellers.

The votes having been taken and counted, stood as follows:

F. Springer received	4 votes.
J. B. Teas "	2 "
T. Cox "	4 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a fifteenth balloting.

The votes having been taken and counted, stood as follows:

F. Springer received	3 votes.
T. Cox "	5 "
J. B. Teas "	2 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a sixteenth balloting.

The votes having been taken and counted, stood as follows:

F. Springer received	3 votes.
T. Cox "	5 "
J. B. Teas "	2 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a seventeenth balloting.

The votes being taken and counted, stood as follows:

F. Springer received	2 votes.
T. Cox "	6 "
J. B. Teas "	1 "
J. P. Cook "	1 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to an eighteenth balloting.

The votes being taken and counted stood as follows:

F. Springer received	3 votes.
T. Cox "	6 "
Jos. B. Teas "	1 "
John P. Cook "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a nineteenth balloting.

The votes having been taken and counted, stood as follows:

Francis Springer received	2 votes.
Thomas Cox	6 "
Joseph B. Teas	1 "
John P. Cook	2 "
Blank	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twentieth balloting.

The votes having been taken and counted, stood as follows:

Francis Springer received	1 vote.
Thomas Cox	5 "
Joseph B. Teas	2 "
John P. Cook	3 "
John D. Elbert	1 "
Blank	1 "

No one having received a majority of all the votes given, a choice was not made.

A motion was made by Mr Cook,

To proceed to the regular orders of the day,

Which was agreed to.

Mr Cook from the committee on Engrossed Bills, reported No. 10, C. F., A Bill to authorize Rachel Hamilton, Administratrix of the Estate of James Hamilton, deceased, to sell and convey certain real property therein named, as correctly engrossed.

No. 19, C. F., A Bill to Abolish Capital Punishment,
Was read a second time.

On motion of Mr Cook,

Ordered that said Bill be referred to a Select committee of three, and that Mr Cox be appointed chairman of said committee.

Messrs Cox, Cook and Wm Patterson, were appointed said committee.

No. 10, C. F., A Bill to authorize Rachel Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

Mr Springer according to previous notice, introduced

No. 20, C. F., A Bill for the relief of Chauncy Swan,

Which was read a first and second time.

On motion of Mr Springer,

Said bill was referred to the committee on claims.

Mr Springer gave notice that he would on to-morrow or some future day, ask leave to introduce a Bill to incorporate the Toolsborough Manufacturing Company.

A motion was made by Mr Gehon,
That the Council proceed to the election of President; pending which,

A motion was made by Mr Cook,
That the Council adjourn until to-morrow morning 10 o'clock.
And the question being put, it was decided in the affirmative.

Yeas—7,

Nays--6.

The yeas and nays being desired by Mr Gehon,
Those who voted in the affirmative, were
Messrs Cook, Christie, Elbert, R. M. G. Patterson, Springer,
Teas and Wallace.

Those who voted in the negative, were
Messrs Cox, Gehon, Harris, Jenkins, Leffler and William Pat-
terson.

So the Council adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, JANUARY 10, 1844.

On motion of Mr Gehon,
Ordered, That the Council now proceed to the election of Pre-
sident.

Messrs Christie and Leffler, acting as tellers.

The votes having been taken and counted stood as follows:

Francis Springer received	6 votes.
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Thomas Cox	"	4 "
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Blank	"	3 "
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No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-second balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	6 votes.
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Thomas Cox	"	4 "
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Joseph B. Teas	"	1 "
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Blank	"	2 "
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No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-third balloting.

The votes having been taken and counted stood as follows:

Francis Springer received	6 votes.
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Thomas Cox	"	4 "
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Joseph B. Teas	"	1 "
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Blank	"	2 "
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No one having received a majority of all the votes given, a choice was not made.

A motion was made by Mr Cook,

That the Council now proceed to the consideration of the orders of the day,

And the question being put, it was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired by Mr Gehon,

Those who voted in the affirmative were,

Messrs Cook, Christie, Elbert, R. M. G. Patterson, Teas, Wallace and Mr President.

Those who voted in the negative, were,

Messrs Cox, Gehon, Harris, Jenkins, Leffler and William Patterson.

Mr Elbert presented the petition of Emily R. Sage, praying to be divorced from her husband, Isaac Sage, Jr.

On motion of Mr Elbert,

Ordered, That said petition be referred to a select committee of three.

Messrs Elbert, Wm Patterson and Christie were appointed said committee.

No. 18, C. F., A Bill to provide for leasing the Penitentiary,

Was read a second time.

The Council then resolved itself into a committee of the Whole, for the consideration of said bill,

Mr Cox in the Chair,

And after some time spent therein,

Mr President resumed the chair, and

Mr Cox reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same with two amendments, and ask the concurrence of the Council.

On motion of Mr Gehon,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Being the order of the day,

The Council resumed the consideration thereof in committee of the Whole,

Mr Leffler in the Chair;

After some time spent therein,

Mr President resumed the Chair, and

Mr Leffler reported that the committee had, according to order, had said bill under consideration, and instructed him to report the

same with sundry amendments, and ask the concurrence of the Council.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

I herewith present for your signature,

An act to amend an act districting the Territory into Electoral Districts.

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

On motion of Mr Cook,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Being under consideration as amended in committee of the Whole.

Mr Cook moved a call of the Council.

Which was had.

On motion of Mr Wallace,

A further call of the Council was suspended.

A motion was made by Mr Wallace,

To amend the fifth section of the bill by striking out the number 76 and inserting the number 44.

Mr Leffler called for a division of the question, first upon striking out,

And the question being taken, it was decided in the affirmative,

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Christie, Harris, Jenkins, Wm Patterson, Wallace and Mr President.

Those who voted in the negative, were

Messrs Cox, Elbert, Gehon, Leffler, R. M. G. Patterson and Teas.

Mr Wm Patterson moved to recommit said bill back to the select committee from which it was reported.

Mr Leffler moved to amend the gentleman's motion, to recommit with instructions,

Which was lost.

The question then recurring upon the motion to recommit to the select committee,

Was decided in the negative.

Mr Cook moved to fill the blank with 59.

Mr Elbert moved to amend the gentleman's motion by filling the blank with 75.

Mr Gehon moved further to amend the gentleman's motion by filling the blank with 77.

The question was then taken on filling the blank with 77,

Which was decided in the negative.

Mr Wm Patterson moved to reconsider the vote on striking out 76.

Which was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cox, Elbert, Gehon, William Patterson, R. M. G. Patterson, and Teas.

Those who voted in the negative, were

Messrs Cook, Christie, Harris, Jenkins, Leffler, Wallace and Mr President.

The question was then taken on filling the blank with 75.

Which was decided in the negative,

Yeas—5,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs Cox, Elbert, Gehon, R. M. G. Patterson and Teas.

Those who voted in the negative, were

Messrs Cook, Christie, Harris, Jenkins, Leffler, Wm Patterson, Wallace and Mr President.

Mr Harris moved to fill the blank with 63.

Which was agreed to.

The question was then taken on the amendment made by the Council,

To the amendment made in committee of the whole,

Which was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Christie, Harris, Jenkins, Wallace and Mr President.

Those who voted in the negative, were

Messrs Cox, Elbert, Gehon, Leffler, Wm Patterson, R. M. G. Patterson and Teas.

Mr Wallace moved to fill the blank with 44.

Mr Leffler moved to amend the gentleman's motion by filling the blank with 55.

Mr R. M. G. Patterson moved to amend the amendment by filling the blank with 62.

Mr Cox moved to amend the amendment made to the amendment by filling the blank with 76.

Which was decided in the negative,

Yeas—5,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cox, Elbert, Gehon, R. M. G. Patterson and Teas.

Those who voted in the negative, were

Messrs Cook, Christie, Harris, Jenkins, Leffler, Wm Patterson, Wallace and Mr President.

A motion was made by Mr Cook to fill the blank with 59.

Which was decided in the negative,

The question then recurring upon the motion to amend the amendment,

Was decided in the negative.

Yeas—4.

Nays—9.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Wm Patterson, R. M. G. Patterson and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Cox, Gehon, Harris, Jenkins, Leffler, Teas and Wallace.

The question then recurring upon the amendment,

Was decided in the negative.

The question was then taken upon the original motion to fill the blank with 44.

Which was decided in the negative.

Mr Cook then moved to refer said bill to the committee on the Judiciary.

Mr Teas moved to amend the gentleman's motion by referring said bill back to the Select Committee from which it was reported,

Which was decided in the negative.

Mr Elbert then moved to lay said bill upon the table subject to the order of the Council,

Pending which,

A motion was made by Mr Wm Patterson to adjourn,

Which was decided in the negative.

The question then recurring upon the motion to lay on the table,

Was lost.

The question was then taken upon Mr Cook's motion to refer.

Which was decided in the negative.

A motion was made by Mr Cox,

To fill the blank with 29,

Which was lost.

Mr Cook moved that the Council do adjourn until to-morrow morning 10 o'clock,

Which was decided in the negative.

Mr Gehon then moved that the Council resume the election of President

Decided in the negative.

On motion of Mr Wallace,

The Council adjourned until to-morrow morning, 10 o'clock.

THURSDAY MORNING, JANUARY 11, 1844.

On motion of Mr Gehon,

The Council proceeded to the election of President.

Messrs Christie and Wm Patterson, acting as tellers.

Mr Springer notified the Council that he was no longer a candidate for President.

The votes having been taken and counted stood as follows:

Joseph B. Teas received	5 votes.
Thomas Cox "	4 "
Blank "	4 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-fifth balloting.

The votes having been taken and counted stood as follows:

Joseph B. Teas received	5 votes.
Thomas Cox "	4 "
Wm H. Wallace "	1 "
Blank "	3 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-sixth balloting.

The votes having been taken and counted stood as follows:

Joseph B. Teas received	5 votes.
Thomas Cox "	5 "
James Jenkins "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

Mr Teas notified the Council that he had withdrawn.

A motion was then made by Mr Cook,

That the Council proceed to the orders of the day.

Which was decided in the negative.

The Council then proceeded to the twenty-seventh balloting.

The votes being taken and counted, stood as follows:

Thomas Cox received	5 votes.
Joseph B. Teas "	1 "
Wm H. Wallace "	1 "
John P. Cook "	2 "
Wm Patterson "	2 "
Robert Christie "	1 "
Blank "	1 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-eighth balloting.

The votes having been taken and counted stood as follows:

Thomas Cox received	5 votes.
Wm H. Wallace "	4 "
John P. Cook "	1 "
Robert Christie "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a twenty-ninth balloting.

The votes being taken and counted, stood as follows:

Thomas Cox received	5 votes.
Wm H. Wallace "	5 "
Wm Patterson "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a thirtieth balloting.

The votes being taken and counted stood as follows:

Thomas Cox received	6 votes.
Wm H. Wallace "	4 "
John D. Elbert "	1 "
Blank "	2 "

No one having received a majority of all the votes given, a choice was not made.

The Council then proceeded to a thirty-first balloting.

The votes being taken and counted stood as follows:

Thomas Cox received	7 votes.
Wm H. Wallace "	4 "
Blank "	2 "

Mr Cox having received a majority of all the votes given, was declared duly elected President of the Council, and was conducted to the Chair, when he returned thanks for the honor conferred upon him.

On motion of Mr Jenkins,

The Council adjourned until two o'clock this afternoon.

2 o'clock, P. M.

Mr Cook presented the petition of sundry citizens of the counties of Scott, Clinton, Cedar, and Jones, praying the Legislative Assembly to grant to George W. Thom, and Joseph Anderson and their associates the right to construct a mill dam across the Wapsipinecon River in Clinton county.

On motion of Mr Cook,

Ordered, That said petition be referred to a select Committee of three.

Messrs Cook, Christie and Gehon were appointed said Committee.

Mr Springer presented the petition of sundry citizens of Washington County, praying the passage of a law to prohibit the running at large of Bucks or Rams from the first of August, to the first of November.

On motion of Mr Springer,

Ordered, That said petition be referred to the Committee on Territorial Affairs.

On motion of Mr Elbert,

Resolved, That Francis Springer, be appointed to act on the following Standing Committees, in the place of Thomas Cox, to wit:

On Internal Improvements,

On Counties and Township boundaries, and

On Agriculture,

Which was adopted.

Mr Teas, gave notice that he would on to-morrow, or some day thereafter, ask leave to introduce a bill, to amend the Execution Law; also,

A bill to amend the law concerning probate of wills, executors, administrators, &c. also

A bill to amend an act entitled an act to provide for assessing county and territorial revenue.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 18, C. F., A Bill to provide for leasing the Penitentiary,

Reported the same back to the Council without amendments, the committee deeming it inexpedient to Legislate upon the subject at this time, and recommend that said bill be laid upon the table.

Mr Springer according to previous notice introduced

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company.

Which was read a first and second time;

On motion of Mr Springer,

Ordered, That the usual number of copies of said bill be printed.

Mr Wallace, according to previous notice introduced

No. 22, C. F., A Joint Resolution asking an appropriation to defray the expenses of a treaty with the Potowatomie Indians.

Which was read a first time.

Mr Wm Patterson on leave being granted, introduced

No. 23, C. F., A Joint Resolution authorizing the Auditor to audit certain warrants,

Which was read a first and second time,

On motion of Mr Cook,

Ordered, That said Resolution be referred to the committee on the Judiciary.

Mr Elbert from the select committee to whom was referred the petition of Emily R. Sage, praying to be divorced from her husband, Isaac Sage, Jr. reported

No. 24, C. F., A Bill to divorce Emily R. Sage from her husband, Isaac Sage, Jr.

Which was read a first and second time,

On motion of Mr Elbert,

Ordered, That said bill do lie upon the table subject to the order of the Council.

On motion of Mr Springer,

The Council resolved itself into a Committee of the Whole, upon

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa.

Mr Cook in the Chair,

After some time spent therein,

Mr President resumed the Chair, and

Mr Cook reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with amendments, and ask the concurrence of the Council.

On motion of Mr Leffler,

Ordered, That the question be taken separately upon the different amendments.

The question being then taken upon the first amendment made to the fifth section, which was to fill the blank with the number 65,

Was decided in the affirmative,

Yeas—9,

Nays--4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Gehon, Harris, Wm Patterson, R. M. G. Patterson, Springer and Mr President.

Those who voted in the negative, were

Messrs Christie, Jenkins, Leffler and Wallace.

A motion was made by Mr Springer to concur in the last amendments made to the fifth section in committee of the whole,

Which was to give to

	6 Delegates.
Lee County	6
Des Moines County	6
Van Buren	5
Jefferson	5
Henry	3
Washington	3
Louisa	3
Muscatine	3
Johnson	3
Linn	2
Cedar	3
Scott	2
Clinton	1
Jones	3
Jackson	
Du Buque	7
Delaware	
Buchanan	
Clayton	
Fayette	1
Wapello	1
Davis	1
Keokuk	1
Mahaska	
	65

Which was decided in the affirmative.

Yeas—9.

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Gehon, Harris, Wm Patterson, R. M. G. Patterson, Springer, Teas and Mr President.

Those who voted in the negative, were

Messrs Christie, Jenkins, Leffler and Wallace.

A motion was made by Mr Springer,

To strike out *Mount Pleasant* in the seventh section, which was an amendment made in committee of the whole on yesterday.

Which was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Harris, Springer and Mr President.

Those who voted in the negative, were

Messrs Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

The blank in the seventh section was filled with the words, "of November after the election of Delegates," in committee of the whole on yesterday, and concurred in by the Council.

A motion was made by Mr Elbert,

To amend the seventh section by adding the words "Provided, That said convention shall meet at Iowa City, unless the citizens of Mount Pleasant furnish a good and sufficient room for said convention to meet in during their session, rent free.

Mr Gehon moved to amend the amendment by adding the words "and also to furnish all the necessary furniture for the use of said convention."

Which was agreed to.

The amendment as amended was then adopted.

Mr Springer offered the following as an amendment to the seventh section as amended, viz:

"And provided further, that the delegates shall not meet in convention until an appropriation to defray the expenses of holding the same, shall have been made by Congress."

Which was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Leffler, R. M. G. Patterson, Springer and Wallace.

Those who voted in the negative, were,

Messrs Elbert, Gehon, Harris, Jenkins, Wm Patterson, Teas and Mr President.

The amendment made to the eighth section in committee of the whole on yesterday, viz:

To strike out the words, "the next general election for members of the Council and House of Representatives after" in the third line, and insert the words, "the township election in April succeeding,"

Was concurred in.

The Council concurred with the committee of the whole in striking out the eleventh section.

The amendments made to the fourteenth section on yesterday in committee of the whole, by filling the first blank with the words, "such compensation as the convention may direct, not exceeding three," and the second blank with the word "three,"

Were concurred in by the Council.

On motion of Mr Wallace,

Ordered, That said bill be engrossed and read a third time on tomorrow.

The report of the Judiciary committee to whom was referred, No. 18, C. F., A Bill to provide for leasing the Penitentiary,

Was concurred in.

Mr Harris from the committee on Roads to whom was referred the petition of George H. Jennison and others, praying the location of a Territorial Road, &c., reported,

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield in Jefferson county, to the Indian Agency at the Raccoon Fork of the Des Moines River,

Which was read a first and second time.

On motion of Mr Teas,

Said bill was laid upon the table, subject to the order of the Council.

On motion of Mr Teas,

The Council adjourned until to-morrow morning, 10 o'clock.

FRIDAY MORNING, JANUARY 12, 1844.

Mr Cook from the select committee to whom was referred, No. 19, C. F., A bill to abolish Capital Punishment, reported the same back to the Council without amendments, and recommend that the same be indefinitely postponed.

On motion of Mr Wallace,

Ordered, That said bill be laid upon the table, subject to the order of the Council.

Mr Cook from the Committee on claims, to whom was referred,

No. 20, C. F., A bill for the relief of Chauncy Swan, reported, that a majority of the committee had instructed him to report said bill back to the Council without amendments, and recommend its passage.

A motion was made by Mr Cook to strike out the second section of said bill,

Pending which,

A motion was made by Mr William Patterson, to lay said bill upon the table,

Which was agreed to.

No. 22, C. F., A joint Resolution asking an appropriation to defray the expenses of a Treaty with the Potowatomie Indians,

Was read a second time, and

On motion of Mr Elbert, was

Ordered to be engrossed, and read a third time on to-morrow.

Mr Teas, according to previous notice, introduced

No. 26, C. F., A bill to amend an act to provide for assessing and collecting county and territorial revenue, also

No. 27, C. F., A bill to amend an act, entitled an act, relative to the Probate of Wills, Executors, Administrators, &c., and

No. 28, C. F., A bill to amend an act, entitled an act, subjecting real and personal estate to execution,

Which bills were severally read a first and second time.

On motion of Mr Teas,

Ordered, that

No. 26, C. F., A bill to amend an act to provide for assessing and collecting county and territorial revenue, be referred to the committee on finance,

No. 27, C. F., and

No. 28, C. F., were,

On motion of Mr Teas,

Ordered, to be referred to the committee on the Judiciary.

Mr Cox, on leave being granted, introduced

No. 29, C. F., A bill to incorporate the Du Buque Mining Company,

Which was read a first and second time, and

On motion of Mr Cox,

said bill was referred to a select committee of three,

Messrs Gehon, Leffler, and Christie were appointed said committee.

On motion of Mr Gehon,

Ordered, that the Council adjourn until to-morrow morning, 10 o'clock.

SATURDAY MORNING, JANUARY 13, 1844.

Mr Cook, from the committee on engrossed bills reported,

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa, and

No. 22, C. F., A Joint Resolution asking an appropriation to defray the expenses of a Treaty with the Potowatomie Indians,

As correctly engrossed.

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State constitution for the State of Iowa,

Was read a third time, and

On motion of Mr Elbert,

By the unanimous consent of the Council, the 5th section of said bill was amended so as to read "the counties of Davis and Appanoose one member."

A motion was made by Mr Teas to amend the fifth section by adding to the county of Wapello the county of Kishkekosh;

Pending which,

A motion was made by Mr Cook,

To refer said bill to a select committee of three,

Which was agreed to.

Messrs Cook, Springer and William Patterson were appointed said committee.

No. 22, C. F., A Joint Resolution asking an appropriation to defray the expenses of a Treaty with the Potowatomie Indians,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

Mr Wallace from the committee on the Judiciary to whom was referred,

No. 23, C. F., A Joint Resolution authorizing the Auditor to audit certain warrants,

Reported the same back to the Council with one amendment,

Which amendment was concurred in,

And the bill read a second time,

On motion of Mr W. Patterson,

The thirteenth rule was suspended, the Joint Resolution read a third time and passed,

Ordered, that the Secretary notify the House of Representatives accordingly and request their concurrence.

On motion of Mr W. Patterson,

The petition of sundry citizens of Lee county, praying the repeal of the Valuation Law,

Was taken from the table,

A motion was then made by Mr William Patterson to refer said petition to the committee on the Judiciary,

Mr Wallace moved to amend the gentleman's motion, by referring said petition to a select committee of three,

And that Mr William Patterson be appointed chairman of said committee.

Agreed to.

Messrs William Patterson, Teas and Christie were appointed said committee.

On motion of Mr Teas,

Ordered, That,

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian Agency at the Raccoon Fork of the Des Moines River,

Be taken from the table and referred to a select committee of three,

Messrs Teas, R. M. G. Patterson and Jenkins, were appointed said committee.

On motion of Mr Wallace,

The Council adjourned until Monday morning 10 o'clock.

MONDAY MORNING, JANUARY 15, 1844.

Mr Elbert presented the petition of sundry citizens of Van Buren county, praying the continuation of a Territorial road from Iowaville in Van Buren county, up the Des Moines River via the town of Autumwa and Eddyville in Wapello county, to Red Rock on the boundary line; which was,

On motion of Mr Elbert,

Referred to a select committee composed of the delegation from Van Buren and Jefferson counties.

Mr Leffler presented the petition of sundry citizens of Des Moines county, praying the passage of a law compelling the Miners' Bank of Du Buque to resume specie payments within thirty days from the passage of the law.

Mr Leffler, also presented the petition of sundry citizens of Des Moines and Lee counties, remonstrating against the passage of such a law.

Which petition and remonstrance,

On motion of Mr Leffler,

Were laid upon the table, subject to the order of the Council.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

The House of Representatives have passed

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same.

No. 7, H. R. File, A Bill to change the time of holding the General Elections.

No. 21, H. R. File, A Bill to authorize Aaron Street, Jr., Administrator of Peter Boyer, deceased, to make a title to certain real estate.

No. 22, H. R. File, A Bill to establish a Territorial Road from Iowaville, on the Des Moines River, to the Missouri line.

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska.

No. 24, H. R. File, A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace.

No. 26, H. R. File, A Bill for the relief of Thomas Summerlin, collector of Van Buren county.

No. 32, H. R. File, A Bill to incorporate the Mechanics Institute of Burlington.

No. 10, C. F., A Bill to authorize Rachel Hamilton, Administratrix of the estate of James Hamilton, to sell certain real estate.

No. 13, C. F., A Bill to locate and establish a road from the

lower end of Water street in Burlington, to David B. Anderson's mill.

No. 17, C. F., A Joint Resolution authorizing the Auditor of Public Accounts, to audit the account of Edwin Guthrie, for work done on the Penitentiary.

The House have also passed with amendments,

No. 2, C. F., Joint Resolutions relative to the sale of tools and other property belonging to the Territory.

No. 11, C. F., A Bill to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi River opposite the lower end of Burlington.

In which the concurrence of the Council is requested.

And then he withdrew.

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company,

Was read a second time, and

On motion of Mr Springer,

Said bill was referred to the committee on Incorporations.

No. 23, H. R. File, A Bill to organize the Counties of Keokuk and Mahaska.

Was read a first time.

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same,

Was read a first and second time, and

On motion of Mr Teas,

Was referred to a select committee of five, with instructions to report by Wednesday next.

Messrs Teas, Springer, Wm Patterson, Gehon and Elbert, were appointed said committee.

No. 7, H. R. File, A Bill to change the time of holding the General Elections; and

No. 21, H. R. File, A Bill to authorize Aaron Street, Jr., Administrator of Peter Boyer, deceased, to make a title to certain real estate,

Were severally read a first time.

No. 22, H. R. File, A Bill to establish a Territorial Road from Iowaville on the Des Moines River, to the Missouri line,

Was read a first and second time.

On motion of Mr Elbert,

Ordered, That said bill do lie upon the table subject to the order of the Council,

No. 24, H. R. File, A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace,

Was read a first time.

No. 26, H. R. File, A Bill for the relief of Thomas Summerlin, collector of Van Buren county,

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill do lie upon the table subject to the order of the Council.

No. 32, H. R. File, A Bill to incorporate the Mechanics Institute of Burlington,

Was read a first time,

No. 2, C. F., Joint Resolutions relative to the sale of tools and other property belonging to the Territory,

As amended by the House of Representatives, was taken up and read, and the question being on concurring in the amendment of the House,

It was decided in the affirmative.

No. 11, C. F., A Bill to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi River opposite the lower end of Burlington,

As amended by the House of Representatives, was taken up and read, the amendments severally considered, and all concurred in, except the fifth section, in which amendment the Council refused to concur.

Mr Leffler presented additional petitions from sundry citizens of Des Moines county, praying the passage of a law compelling the Miners' Bank of Du Buque, to resume specie payments within thirty days, &c.

Which petition, together with the petition and remonstrance that was presented to the Council this morning relative to the same subject, were,

On motion of Mr Leffler,

Referred to the select committee, to whom

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, &c., was referred.

On motion of Mr Springer,

No. 20, C. F., A Bill for the relief of Chauncy Swan,

Was taken from the table.

A motion was pending on Friday when said bill was laid upon the table, to strike out the second section;

The question now recurring upon the motion to strike out the second section,

Was decided in the affirmative,

Yeas—9,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Jenkins, R. M. G. Patterson, Springer, Teas, Wallace and Mr President.

Those who voted in the negative, were

Messrs Gehon, Harris, Leffler and Wm Patterson.

On motion of Mr Springer,

Ordered, That said bill be engrossed, and read a third time on tomorrow.

Mr Cook, from the select committee to whom was referred the petition of sundry citizens of Scott, Clinton, Cedar and Jones counties, praying the Legislative Assembly to grant to George W. Thorn and Joseph Anderson and their associates the right to construct a mill dam across the Wapsipinecon River, in Clinton county, reported

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company,

Which was read a first and second time.

On motion of Mr Cook,

Said bill was referred to the committee on Incorporations.

On motion of Mr Christie,

The Council adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, JANUARY 16, 1844.

Mr Elbert from the committee on Enrolled Bills, reported

No. 13, C. F., An act to locate and establish a road from the lower end of Water Street, in Burlington, to David B. Anderson's mill, also,

No. 10, C. F., An Act to authorize Rachel Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell certain real property therein named, also

No. 17, C. F., A Joint Resolution authorizing the Auditor of public accounts to audit the account of Edwin Guthrie for work done on the Penitentiary, as correctly enrolled.

Mr Cook from the committee on Engrossed Bills, reported

No. 20, C. F., A Bill for the relief of Chauncy Swan, as correctly engrossed.

Mr Cook from the select committee to whom was referred,

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Reported the same back to the Council with sundry amendments.

A motion was made by Mr Wallace to lay said bill upon the table, subject to the order of the Council,

Which was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Jenkins, William Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were
Messrs Christie, Cook, Gehon, Harris, Leffler, Springer and
Mr President.

Mr Teas from the select committee, to whom was referred

No. 1, H. R. File, A Bill to repeal the charter of the Miners
Bank of Du Buque, and to provide for winding up the affairs of the
same,

Reported that the committee had according to order, had the same
under consideration and instructed him to make the following re-
port, viz:

To strike out all after the enacting clause of said bill, and insert
the following as an amendment thereto, viz:

Sec. 1, That the Miners Bank of Du Buque, be and is hereby
required to resume specie payments on all its legal liabilities within
thirty days from the passage of this act.

Sec. 2, If said Bank should resume specie payments as required
by the first section of this act it shall make its notes redeemable at
par in gold or silver in the City of Burlington, in the City of St
Louis, and in the City of New York, and the Cashier of said Bank,
shall make out under oath a statement of the condition of said Bank,
at least once in every ninety days and cause the same to be publish-
ed in the newspapers printed in the city of Du Buque.

Sec. 3, In case of a refusal to comply with the provisions of this
act, or in case the said Bank shall resume specie payments and at
any time afterwards fail, or refuse to pay any of its legal liabilities,
when demanded in specie, at any of the places where they are made
redeemable, then the District Attorney of the third Judicial District,
upon being notified of such demand and refusal, shall forthwith sue
out a writ of *quo warranto*, against the said Bank, returnable to the
next ensuing term of the District Court in the county of Du Buque,
and prosecute the same to final judgment, agreeably to the provis-
ions of the laws of this Territory in such case made and provid-
ed.

Sec. 4, This act to take effect and be in force from and after its
passage.

A motion was made by Mr Springer to reconsider the vote taken
on yesterday concurring in the amendments made by the House of
Representatives to

No. 2, C. F., Joint Resolutions relative to the sale of tools, and
other property belonging to the Territory of Iowa,

Which motion was agreed to.

On motion of Mr Springer,

Ordered, That said Resolution be laid upon the table.

No. 7, H. R. File, a Bill to change the time of holding the Gen-
eral Elections,

Was read a second time, and

On motion of Mr Springer,

Said bill was referred to the committee on Incorporations.

No. 21, H. R. File, A Bill to authorize Aaron Street, Jr. admin-

istrator of Peter Boyer, deceased, to make a title to certain real estate,

Was read a second time.

On motion of Mr Wallace,

Ordered, That the thirteenth rule be suspended,

And the bill be read a third time now.

The bill was then read a third time, passed, and title agreed to,

Ordered, That the Secretary notify the House of Representatives accordingly,

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska,

Was read a second time, and

On motion of Mr Springer,

Said bill was referred to a select committee of three,

Messrs Springer, Wallace and R. M. G. Patterson were appointed said committee.

No. 24, H. R. File, A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace, and

No. 32, H. R. File, A Bill to incorporate the Mechanics Institute of Burlington.

Were taken up and severally read a second time.

No. 20, C. F., A bill for the relief of Chauncy Swan,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

Mr Christie on leave being granted, introduced

No. 31, C. F., A Bill to district the county of Scott for the election of County Commissioners,

Which was read a first and second time.

On motion of Mr Christie,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr Elbert,

No. 26, H. R. File, A Bill for the relief of Thomas Summerlin, Collector of Van Buren County,

Was taken from the table, and

Ordered, To be read a third time on to-morrow,

On motion of Mr Springer,

Ordered, That,

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State constitution for the State of Iowa,

Be taken up, and read a second time now,

Which was agreed to.

Said bill was then read a second time.

A motion was then made by Mr Gehon,

To have said bill engrossed and read a third time on to-morrow,

Which was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Harris, Leffler, Springer and Mr President.

Those who voted in the negative, were

Messrs Elbert, Jenkins, Wm Patterson, R. M. G. Patterson Teas and Wallace.

The President announced a communication from the Governor, on Executive business.

On motion of Mr Cook,

Ordered, That the consideration of Executive business be postponed until to-morrow.

Mr Springer from the select Committee to whom was referred

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska,

Reported the same back to the Council with amendments,

Which amendments were read and concurred in by the Council.

On motion of Mr Springer,

Ordered, That said bill be read a third time on to-morrow.

On motion of Mr Elbert,

Ordered, That

No. 22, H. R. File, A Bill to establish a Territorial Road from Iowaville, on the Des Moines River, to the Missouri line, at the point where the Mormon trace crosses said line,

Be taken from the table and referred to a select committee of three.

Messrs Elbert, Teas, and Jenkins were appointed said committee.

Mr Harris presented the petition of sundry citizens of Johnson county, praying the passage of an act of Incorporation to the Iowa City Manufacturing Company, with certain privileges, &c.

Which petition,

On motion of Mr Harris,

Was referred to the select committee to whom was referred

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company.

Mr Elbert, on leave being granted, introduced

No. 32, C. F., A Bill to allow John Godden, Samuel Clark, John Groom, Archibald McDonald, and P. M. Janney of Van Buren county, further time to construct a dam and lock, across the Des Moines River at Pittsburg in said county.

Which was read a first and second time.

On motion of Mr Elbert,

Ordered, That said bill be referred to the committee on Incorporations.

A motion was made by Mr Teas.

To take up

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque and to provide for winding up the affairs of the same,

Which was lost.

On motion of Mr Gehon,

Ordered, that the Council adjourn until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, JANUARY 17, 1844.

Mr R. M. G. Patterson, from the committee on Incorporations, to whom was referred

No. 7, H. R. File, A Bill to change the time of holding the General Elections,

Reported the same back to the Council without amendments, and recommended its passage.

Mr Teas, from the select committee to whom was referred

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield in Jefferson county, to the Indian Agency at the Raccoon Fork of the Des Moines River,

Reported the same back to the Council without amendments.

Mr Cook, from the committee on Engrossed Bills, reported

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa, and

No. 31, A Bill to district the county of Scott for the election of County Commissioners,

As correctly engrossed.

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same,

Was read a second time,

A motion was made by Mr Leffler,

To make the consideration of said bill the order of the day for Monday next, in committee of the whole.

Mr Wallace moved to amend the gentleman's motion, by the Council resolving itself into a Committee of the Whole, now, for the consideration of said bill,

Which amendment was agreed to.

The Council then resolved itself into a committee of the whole, for the consideration of said bill,

Mr Elbert in the Chair.

After some time spent therein,

Mr President resumed the Chair, and

Mr Elbert reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back to the Council without amendments.

Mr Gehon moved to amend said bill by offering the following as an additional section, viz :

Sec. That the stockholders of said Bank, before she commences business, shall give to the Territory of Iowa, real estate to the amount of one hundred and fifty thousand dollars, to be held as a security to the note holders of said institution, in case of a suspension of specie payment, or violation of any kind; said real estate to be valued, received and held under the direction of the Governor of Iowa Territory,

Which was decided in the negative.

Yeas—5,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Harris, Jenkins, Leffler and Mr President.

Those who voted in the negative, were,

Messrs Christie, Cook, Elbert, Wm Patterson, R. M. G. Patterson, Springer, Teas and Wallace.

Mr Gehon then moved to amend said bill by adding the following as an additional section, viz :

Sec. That the President, Directors and Stockholders of said Bank shall be liable to the note holders in their individual estates, and in case of a failure to pay specie at all times, they shall be liable to be sued and recovered from at all times and places wherever they may be found.

Which was decided in the affirmative.

Yeas—8.

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Gehon, Harris, Jenkins, Leffler and Mr President.

Those who voted in the negative, were

Messrs Wm Patterson, R. M. G. Patterson, Springer, Teas and Wallace.

The foregoing amendment was then adopted as an additional section.

A motion was then made by Mr Gehon,

To further amend said bill by adding the following as an additional section, viz :

Sec. Provided also, that if the said Bank shall at any time

import into this Territory any notes of other Banks, and in any way vend the same, of a less denomination than five dollars, or notes of any size that is not equally as good as specie in Du Buque, where the Bank is located, her charter shall be forfeited and their affairs settled as hereinbefore provided for.

Mr Cook moved to amend the amendment by striking out the words, "or notes of any size that is not equally as good as specie in Du Buque, where the Bank is located,"

Which was decided in the affirmative,

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, William Patterson, R. M. G. Patterson, Springer, Teas and Mr President.

Those who voted in the negative, were

Messrs Christie, Gehon, Harris, Jenkins, Leffler and Wallace.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House of Representatives have receded from their last amendment to

No. 11, C. F., A Bill to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi River.

The House have passed

No. 29, H. R. File, A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof,

In which the concurrence of the Council is requested.

I herewith present for your signature—

An Act to establish and locate a road from the lower end of Water Street in Burlington to David B. Anderson's mill.

An Act to authorize Rachel Hamilton, administratrix of James Hamilton, to sell and convey certain real property therein named.

An Act to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate; and

Joint Resolution authorizing the Auditor of Public Accounts to audit the account of Edwin Guthrie,

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts and joint resolutions.

A motion was made by Mr Wallace,

To indefinitely postpone said bill.

Mr Leffler moved to amend the gentleman's motion, by laying said bill upon the table until Monday next,

Which was decided in the negative,
Yeas—6,
Nays—7.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Gehon, Harris, Jenkins, Leffler, Wm Patterson, and Mr President.

Those who voted in the negative, were
Messrs Christie, Cook, Elbert, R. M. G. Patterson, Springer Teas and Wallace.

The question then recurred upon the motion made by Mr Wallace to indefinitely postpone said bill,
Which was decided in the negative.

Yeas—4,
Nays—9.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Harris, Springer, Teas and Wallace.

Those who voted in the negative, were
Messrs Christie, Cook, Elbert, Gehon, Jenkins, Leffler, William Patterson, R. M. G. Patterson and Mr President.

The question was then taken on the adoption of Mr Gehon's 3d amendment, as amended on Mr Cook's motion,
Which was decided in the affirmative.

Yeas—8,
Nays—5.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Cook, Gehon, Harris, Jenkins, Leffler, Wm Patterson, Springer and Wallace.

Those who voted in the negative, were
Messrs Christie, Elbert, R. M. G. Patterson, Teas and Mr President.

A motion was then made by Mr Leffler,

To amend Mr Gehon's 3d amendment, by adding the following :

Provided also, That the said Bank on or before the expiration of one year, shall pay the sum of ten thousand dollars as a bonus to the Territory.

And the question being taken, it was decided in the negative.
Yeas—5,
Nays—8.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Gehon, Harris, Jenkins, Leffler and Wallace.

Those who voted in the negative, were
Messrs Christie, Cook, Elbert, Wm Patterson, R. M. G. Patterson, Springer, Teas, and Mr President.

A motion was made by Mr Cook,

To have said bill engrossed, and read a third time on to-morrow.

And the question being put, it was decided in the affirmative,

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Leffler, William Patterson, R. M. G. Patterson, and Mr President.

Those who voted in the negative, were

Messrs Gehon, Harris, Jenkins, Springer, Teas and Wallace.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

I am directed to inform the Council, that the House of Representatives have passed

No. 30, H. R. File, A Bill to enable settlers on the public lands to recover value for their improvements.

No. 33, H. R. File, Resolutions to provide for the payment of the Reports of the Supreme Court furnished under the resolution of the last session of the Legislature.

No. 35, H. R. File, A Bill to incorporate the Farmington Academy and High School.

No. 36, H. R. File, A Bill to locate a Territorial Road from Wapello in Louisa county to Augusta in Des Moines county.

No. 37, H. R. File, A Bill to legalize Deeds and other instruments of writing.

No. 39, H. R. File, A Bill requiring the District Court to entertain jurisdiction of causes brought up to said court by appeal or certiorari from Justices of the Peace since the fourth day of July, 1843, which said causes have been brought up in accordance with the law in force prior to said day.

No. 42, H. R. File, A Bill to incorporate the Burlington University.

No. 45, H. R. File, A Bill to attach a portion of Washington county to the county of Johnson.

The House have also passed with amendments,

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck.

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison in Lee county.

Also, without amendment,

No. 6, C. F., Memorial to Congress relative to the formation of a Constitution and State Government.

In all of which the concurrence of the Council is requested.

And then he withdrew.

No. 23, H. R. File, A Bill to organize the Counties of Keokuk and Mahaska.

Was read a third time, and

On motion of Mr Springer.

Said bill was laid upon the table until to-morrow.

No. 26, H. R. File, A Bill for the relief of Thomas Summerlin, collector of Van Buren county, and

No. 24, H. R. File, A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace,

Were severally read a third time, passed and titles agreed to.

No. 32, H. R. File, A Bill to incorporate the Mechanics Institute of Burlington.

Was read a third time.

Mr Leffler asked the unanimous consent of the Council to amend the title of said bill, so as to read "The Burlington Mechanics Institute," with a corresponding amendment throughout the bill.

Which consent was granted and the bill as amended was passed and the title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

On motion of Mr Elbert,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Was taken up and read a third time;

A motion was made by Mr Wallace,

To refer said bill to a select committee of three,

Mr Cook moved a call of the Council, which was had,

And after a short time the absent member appearing, a further call of the Council was suspended.

The question was then taken upon the motion to refer said bill to a select committee.

It was decided in the affirmative,

Yeas—8.

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Cook, Gehon, Harris, Springer and Mr President.

Messrs Wallace, Wm Patterson and Gehon, were appointed said Committee.

On motion of Mr Springer,

Ordered, That two additional members be added to said committee.

Whereupon Mr President appointed Messrs Springer and Christie as additional members of said committee.

A motion was made by Mr Leffler,

To instruct said committee to take as the ratio for each member of the Convention 200, and that ratio to be based upon the vote taken at the last election for Delegate to Congress,

Which motion was lost.

No. 31, C. F., A Bill to district the county of Scott for the election of County Commissioners,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

On motion of Mr Harris,

Ordered, That

No. 16, C. F., A Bill for an act granting to the Baptist Church of Iowa city a certain lot of ground therein named,

Be taken from the table.

A motion was made by Mr Harris,

To have said bill engrossed and read a third time on to-morrow,

Which motion was lost.

On motion of Mr Elbert,

Ordered, That said bill be referred to a select committee composed of the delegate from Johnson county.

No. 29, H. R. File, A Bill to organize the county of Davis and to provide for the location of the seat of Justice thereof,

No. 30, H. R. File, A Bill to enable settlers on public lands to recover value for their improvements, and

No. 33, H. R. File, Resolutions to provide for the payment of the reports of the Supreme Court furnished under the resolutions of the last session of the Legislature,

Were severally read a first time.

No. 35, H. R. File, A Bill to incorporate the Farmington Academy and High School,

Was read a first and second time.

On motion of Mr Elbert,

Ordered, That said bill be referred to a select committee of three.

Messrs Elbert, Teas, and Leffler, were appointed said committee.

No. 36, H. R. File, A Bill, to locate a Territorial Road from Wapello in Louisa County to Augusta in Des Moines county,

No. 37, H. R. File, A Bill, to legalize Deeds and other instruments of writing,

No. 39, H. R. File, A Bill requiring the District Court to entertain jurisdiction of causes brought up to said court by appeal or certiorari from Justices of the Peace since the 4th day of July 1843,

which said causes have been brought up in accordance with the law in force prior to said day,

No. 42, H. R. File, A Bill to incorporate the Burlington University, and

No. 45, H. R. File, A Bill to attach a portion of Washington county to the county of Johnson,

Were taken up and severally read a first time.

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck,

As amended by the House, was taken up and read, and the amendments concurred in.

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison, in Lee county,

As amended by the House, was taken up and read,

On motion of Mr W. Patterson,

Ordered, That said bill do lie upon the table, subject to the order of the Council.

Mr Elbert presented the petition of sundry citizens of Van Buren county praying the passage of an act of incorporation to Festus Dunning, Jonas Houghton, Russel Smith, O. Tower and H. G. Stewart, of said county for the promotion of education.

On motion of Mr Elbert,

Ordered, That said petition be referred to the select committee to whom was referred

No. 35, H. R. File, A Bill to incorporate the Farmington Academy and High School.

On motion of Mr Gehon,

Ordered, That the Council resolve itself into an Executive session.

After some time spent therein, the Executive session rose.

On motion,

The Council adjourned until to-morrow morning, 10 o'clock.

THURSDAY MORNING, JANUARY 18, 1844.

Mr Cook, from the committee on Engrossed Bills, reported the substitute for

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque and to provide for winding up the affairs of the same,

As correctly engrossed.

Mr Elbert from the committee on enrolled bills, reported

No. 12, C. F., A Bill to change the name of William B. Peck, and Ann M. Peck, also

No. 6, C. F., A Memorial to Congress relative to the formation of a Constitution and State Government, also

No. 11, C. F., A Bill to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi River opposite the lower end of Burlington,

As correctly enrolled.

No. 29, H. R. File, A Bill to organize the County of Davis and to provide for the location of the seat of Justice thereof,

Was read a second time,

On motion of Mr Jenkins,

Ordered, That said bill be referred to a select Committee composed of the delegation from Van Buren county.

No. 30, H. R. File, A Bill, to enable settlers on public lands to recover value for their improvements,

Was read a second time.

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 33, H. R. File, Resolutions to provide for the payment of the Reports of the Supreme Court furnished under the resolutions of the last session of the Legislature,

Was read a second time,

On motion of Mr Elbert,

Ordered, That said Resolution be referred to the committee on Finance.

No. 36, H. R. File, A Bill to locate a Territorial Road from Wapello in Louisa county to Augusta in Des Moines County,

Was read a second time

On motion of Mr Springer,

Ordered, That said bill be read a third time on to-morrow.

No. 37, H. R. File, A Bill, to legalize Deeds and other instruments of writing,

Was read a second time,

On motion of Mr Elbert,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 39, H. R. File, A Bill requiring the District Court to entertain Jurisdiction of causes brought up to said Court by appeal or certiorari from Justices of the Peace since the fourth day of July, 1843, which said causes have been brought up in accordance with the law, in force prior to said day,

Was read a second time.

On motion of Mr Cook,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 42, H. R. File, A Bill to incorporate the Burlington University,

Was read a second time.

On motion of Mr Springer,

Ordered, That said bill be referred to the Committee on Schools.

No. 45, H. R. File, A Bill to attach a portion of Washington county to the county of Johnson,

Was read a second time.

On motion of Mr Harris,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 7, H. R. File, A Bill to change the time of holding the General Elections,

Was read a third time.

On motion of Mr Springer,

Ordered, That said bill be laid upon the table until to-morrow.

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield in Jefferson county, to the Indian Agency at the Raccoon Fork of the Des Moines River,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

No. 23, H. R. File, A Bill to organize the Counties of Keokuk and Mahaska,

Came up on its final passage.

Mr Springer asked the unanimous consent of the Council to amend the 13th section of said bill by striking out the words, "John Grimsley," and inserting the words, "Ebenezer Perkins," which consent was obtained, and the 13th section was so amended.

Said bill as amended was then passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque and to provide for winding up the affairs of the same,

Was read a third time.

On motion of Mr Teas,

Ordered, That said bill be referred to a select committee of three, Messrs Teas, Gehon and Wallace, were appointed said committee.

Mr Harris, on leave being granted, introduced

No. 33, C. F., A Joint Resolution authorizing Charles A. Robins to engrave seals for the counties therein named,

Which was read a first time.

On motion of Mr Gehon,

Ordered, That the select committee to whom was referred

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, &c.,

Be and they are hereby instructed to report by to-morrow.

On motion of Mr Springer,

The Council adjourned until to-morrow morning, 10 o'clock.

FRIDAY MORNING, JANUARY 19, 1844.

Mr Leffler from the committee on Schools to whom was referred,

No. 42, H. R. File, A Bill to incorporate the Burlington University,

Reported that said committee have had the same under consideration, and have instructed him to report the same back to the Council with sundry amendments.

Mr Elbert from the committee on enrolled bills, reported that they did on the 17th inst., present to the Governor for his approval,

A Joint Resolution authorizing the Auditor of Public Accounts to audit the account of Edwin Guthrie, for work done on the Penitentiary: also,

An Act to authorize Rachel Hamilton, administratrix of James Hamilton, to sell and convey certain real property therein named: also,

An Act to establish and locate a road from the lower end of Water Street in Burlington to David B. Anderson's mill.

Mr Elbert from the select committee to whom was referred

No. 35, H. R. File, A Bill to incorporate the Farmington Academy and High School,

Reported that said committee have had the same under consideration, and instructed him to report the same back to the Council with sundry amendments,

And ask the concurrence of the Council therein.

Mr Teas from the select committee, to whom was referred

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque, and to provide for winding up the affairs of the same,

Reported the same back to the Council with the following amendments, viz:

To strike out in the first line of the fourth section the words "President, directors and" and to insert in the third line of same section after the word "Estates" the words, "to the amount of their respective shares," and request their concurrence therein.

No. 33, H. R. File, A Joint Resolution authorizing Charles A. Robbins to engrave seals for the counties therein named,

Was read a second time.

On motion of Mr Christie,

Ordered, That said Resolution be laid upon the table subject to the order of the Council.

No. 36, H. R. File, A Bill, to locate a Territorial Road from Wapello in Louisa County to Augusta in Des Moines county,

Was read a third time, and passed.

Ordered, That the Secretary notify the House of Representatives accordingly,

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same,

Was taken up and read, as amended by the select committee by whom it was reported.

Mr Leffler moved a call of the Council which was had,

And after a short time the absent member appearing,

A further call of the Council was suspended,

The question was then taken on concurring in the report of the select committee,

And was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Wm Patterson, R. M. G. Patterson, Springer, Teas and Wallace.

Those who voted in the negative, were

Messrs Christie, Gehon, Harris, Jenkins, Leffler and Mr President.

A motion was made by Mr Leffler,

To insert in said bill as the third section thereof the following:

That the Cashier of the said Bank shall include in the report aforesaid, a statement containing the names of the stockholders, the number of their respective shares, and their respective places of residence, and such statement shall be *prima facie* evidence of their liability in all cases.

Mr Springer moved to amend the motion made by Mr Leffler, by striking out all after the word residence;

And the question being taken on striking out,

Was decided in the affirmative,

Yeas—8.

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Wm Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Mr President.

Those who voted in the negative, were,

Messrs Elbert, Gehon, Harris, Jenkins and Leffler.

The question was then taken on the amendment offered by Mr Leffler,

As amended by Mr Springer,
And decided in the affirmative unanimously,

On motion of Mr Wallace,
Ordered, That said bill be read a third time on to-morrow.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

I am directed to present for your signature,

An act to change the name of William B. Peck and Ann M. Peck, also

An act to authorize David B. Anderson and Henry C. Anderson, to keep a ferry across the Mississippi River opposite the lower end of Burlington, and

A Memorial to Congress relative to the formation of a Constitution and State Government,

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled Acts and Memorial. No. 35, H. R. File, A Bill to incorporate the Farmington Academy and High School,

As amended by the select committee,

Was taken up and read,

And the amendments concurred in.

On motion of Mr Elbert,

The 13th rule was suspended and the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 42, H. R. File, A Bill to incorporate the Burlington University,

As amended by the committee on schools,

Was taken up and read,

And the amendments concurred in.

On motion of Mr Leffler,

Ordered, That said bill be read a third time on to-morrow.

On motion of Mr W. Patterson,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

SATURDAY MORNING, JANUARY 20, 1844.

Mr Wallace, from the select committee to whom was referred,

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa.

Reported the same back to the Council with sundry amendments.

Mr Elbert from the committee on Enrolled Bills, reported

That they did on the 19th inst., present to the Governor for his approval,

A memorial to Congress relative to the formation of a Constitution and State Government; also,

An Act to change the name of William B. Peck, and Ann M. Peck, also

An Act to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi River opposite the lower end of Burlington.

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Was taken up, and the amendments as reported by the select committee, were severally read and all concurred in, except the last amendment made to the seventh section, which was to fill the blank in said section, with the words, "Iowa City."

The question being taken on striking out the words, "Iowa City," in the 7th section,

Was decided in the affirmative,

Yeas—7.

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Christie, Cook, Gehon, Harris, Springer and Mr President.

A motion was then made by Mr Wallace,

To strike out that portion of the fifth section of said bill making the apportionment of Delegates in the Convention, and insert the following, to wit:

The County of Lee	shall elect eight members.
" Des Moines	" eight "
" Van Buren	" eight "
" Jefferson	" six "
" Henry	" six "
" Wapello	" one "
" Davis	" one "
" Keokuk	" one "
" Mahaska	" one "
" Washington	" two "
" Louisa	" three "
" Muscatine	" two "
" Johnson	" three "
" Linn	" two "
" Cedar	" two "
" Jones	" one "
" Scott	" two "
" Clinton	" one "
" Jackson	" two "
" Du Buque	" three "
Counties of Delaware and Buchanan	" one "
" Clayton and Fayette	" one "
	—
	65 "

The question being taken on striking out the apportionment made in the fifth section and inserting the foregoing,
Was decided in the affirmative,

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Christie, Cook, Gehon, Harris, Springer and Mr President.

A motion was made by Mr Springer,

To fill the blank in the seventh section with Mount Pleasant.

Mr Gehon moved to amend the gentleman's motion by inserting Jacksonville, Clayton county.

Mr Christie then moved to amend the amendment, by inserting Davenport,

And the question being taken on inserting Davenport,
Was decided in the negative.

A motion was then made by Mr Elbert,

To fill the blank with Pittsburg, in Van Buren county,

Pending which,

A motion was made by Mr Cook,

To lay said bill upon the table,

And the question being taken, it was decided in the negative.

A motion was then made by Mr Cook,

To fill the blank with Burlington,

And the question being taken, was decided in the negative.

The question then recurring upon Mr Elbert's motion to fill the blank with Pittsburg, in Van Buren county,

Was decided in the negative.

The question was then taken upon Mr Gehon's motion to fill the blank with Jacksonville, in Clayton county,

Which was decided in the negative.

A motion was then made by Mr Cook,

To fill the blank with Fort Madison.

Mr Gehon moved to amend the gentleman's motion, by inserting Du Buque.

And the question being taken, it was decided in the negative,

The question then recurring upon Mr Cook's motion to fill the blank with Fort Madison.

Was decided in the affirmative.

Yeas—9,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Jenkins, Wm Patterson, R. M. G. Patterson, Springer, Wallace and Mr President.

Those who voted in the negative, were

Messrs Gehon, Harris, Leffler and Teas.

A motion was made by Mr Springer,

To refer said bill to a select committee,

And the question being taken, was decided in the negative.

A motion was then made by Mr Wallace,

To read said bill a third time on Monday next.

And the question being taken, was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Christie, Cook, Gehon, Harris, Springer and Mr President.

No. 1, H. R. File, A Bill to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same,

Was read a third time,

And the question being put, shall the bill pass,

Was decided in the affirmative.

Yeas—10,

Nays—3.

The yeas and nays being desired,
 Those who voted in the affirmative, were
 Messrs Christie, Cook, Elbert, Leffler, Wm Patterson, R. M.
 G. Patterson, Springer, Teas, Wallace and Mr President.

Those who voted in the negative, were
 Messrs Gehon, Harris, and Jenkins.

A motion was made by Mr Springer,
 To strike out the title of said bill, and insert in lieu thereof, the
 following:

A Bill relative to the Miners' Bank of Du Buque.

Mr Leffler moved to amend the gentleman's motion, by inserting
 the following, viz:

A Bill to legalize the suspension and to resuscitate the Miners'
 Bank of Du Buque,

And the question being taken, was decided in the negative,

Yeas—3,

Nays—10.

The yeas and nays being desired,

Those who voted in the affirmative, were
 Messrs Gehon, Harris, and Leffler.

Those who voted in the negative, were
 Messrs Christie, Cook, Elbert, Jenkins, Wm Patterson, R. M.
 G. Patterson, Springer, Teas, Wallace and Mr President.

The question then recurring upon Mr Springer's motion,
 Was decided in the affirmative.

No. 42, H. R. File, A Bill to incorporate the Burlington Univer-
 sity,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

Mr Elbert, on leave being granted, introduced

No. 34, C. F., A Joint Resolution upon the subject of procuring
 from Congress, compensation to the citizens of Iowa, for services
 rendered and expenses incurred in defending the southern border of
 the Territory of Iowa,

Was read a first and second time.

On motion of Mr Elbert,

Ordered, That said Joint Resolution be referred to a select com-
 mittee of three.

Messrs Elbert, Cook and Wallace, were appointed said com-
 mittee.

On motion of Mr W. Patterson,

No. 7, H. R. File, A Bill to change the time of holding the Gen-
 eral Elections,

Was taken from the table, and read a third time.

A motion was made by Mr Elbert,

To lay said bill upon the table,

And the question being taken, was decided in the negative.

Mr Elbert then moved to lay said bill upon the table subject to
 the order of the Council.

Which was decided in the negative.

Mr Elbert then moved to refer said bill to the committee on Elections, with instructions to change the day of election from the first Monday of August, to the last Tuesday of August.

Which was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Gehon, Harris, and Jenkins.

Those who voted in the negative, were

Messrs Leffler, William Patterson, R. M. G. Patterson, Springer, Teas, Wallace and Mr President.

The question was then taken upon the passage of the bill,

And decided in the affirmative,

Yeas—9,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas, Wallace and Mr President.

Those who voted in the negative, were,

Messrs Christie, Cook, Harris and Springer.

On motion of Mr Jenkins,

The Council adjourned until Monday morning 10 o'clock.

MONDAY MORNING, JANUARY 22, 1844.

Mr Cook presented the petition of fourteen citizens of Cedar county, instructing him to obey certain instructions forwarded to Messrs Walworth and Smyth of the House of Representatives.

Mr Springer moved that the petitioners have leave to withdraw their petition forthwith, when

On motion of Mr Cook,

Ordered, That said petition be laid upon the table.

On motion of Mr Cook,

Resolved, by the Council (the House concurring herein) that the two Houses adjourn on the first of next month,

Which resolution was laid upon the table one day.

Mr R. M. G. Patterson from the committee on incorporations, to whom was referred

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company, also,

No. 30, C. F., A Bill to incorporate the Wapsipinecon mill company,

Reported the same back to the Council without amendments and recommend their passage.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 27, C. F., A bill to amend an act, entitled an act, relative to the Probate of Wills, Executors, Administrators, &c., also

No. 28, C. F., A bill to amend an act, entitled an act, subjecting real and personal estate to execution,

Reported the same back to the Council without amendments.

No. 27, C. F., was then read a second time.

On motion of Mr Teas,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 28, C. F., was then read a second time.

On motion of Mr Teas,

Ordered, That said bill be engrossed and read a third time on to-morrow.

A Message from the House of Representatives, by Mr Fales their chief clerk:

Mr PRESIDENT:

The House of Representatives have concurred in all the amendments made by the Council to

No. 23, H. R. File, A bill to organize the counties of Keokuk and Mahaska,

Except that made to the 13th section, to which they have disagreed.

I herewith present for your signature,

An act to incorporate the Burlington Mechanics Institute,

An act to legalize the acts of John A. Drake, and Samuel B. Ayres, Justices of the Peace.

An act for the relief Thomas Summerlin, collector of Van Buren county,

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled acts,

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company,

Was read a second time;

A motion was made by Mr Springer.

To amend the first section of said bill by inserting in the eighth line after the word corporation, the following,

"And shall have power to erect mills, and buildings for manufacturing purposes,"

Which was agreed to.

On motion of Mr Springer,
Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company,

Was read a second time.

On motion of Mr Cook,
Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa,

Was read a third time,

And the question being taken upon the passage of the bill,

Was decided in the affirmative,

Yeas—7,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Christie, Cook, Gehon, Springer and Mr President.

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska,

Being returned from the House with their disagreement to the amendment made by the Council to the thirteenth section,

Was taken up and being under consideration,

A motion was made by Mr Springer,

That the Council adhere to their amendment,

Which was decided in the affirmative,

On motion of Mr R. M. G. Patterson,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

Mr Springer moved a call of the Council which was had,

And after a short time the absent member appearing,

A further call of the Council was suspended.

On motion of Mr Springer,

Resolved, That James G. Edwards of Burlington, be, and he is, hereby employed to print, upon the terms and conditions prescribed by law, one hundred and fifty copies of the Journal of the present session of the Council, and that the Secretary of the Territory is hereby authorized to pay said Edwards for the same, upon their delivery to him according to law.

On motion of Mr Springer,

The Council adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, JANUARY 23, 1844.

Mr Elbert, from the select committee to whom was referred,
No. 34, C. F., A Joint Resolution upon the subject of procuring
from Congress, compensation to the citizens of Iowa, for services
rendered and expenses incurred in defending the southern border of
the Territory of Iowa,

Report the same back to the Council without amendments, and
recommend its passage.

Mr Wallace from the committee on the Judiciary to whom was
referred,

No. 30, H. R. File, A Bill to enable settlers on the public lands
to recover value for their improvements,

Reported the same back to the Council without amendments.

Mr Cook, from the committee on engrossed bills, reported

No. 21, C. F., A Bill, to incorporate the Toolsborough Manufac-
turing Company, also

No. 27, C. F., A Bill, to amend an act, entitled an act, relative
to the Probate of Wills, Executors, Administrators, &c., also

No. 28, C. F., A Bill to amend an act, entitled an act, subjecting
real and personal estate to execution, also

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill
Company,

As correctly engrossed.

No. 30, H. R. File, A Bill, to enable settlers on public lands
to recover value for their improvements,

Was read a second time.

On motion of Mr Elbert,

Ordered, That said bill be recommitted to a select committee of
three.

Messrs Elbert, Wallace and Gehon were appointed said commit-
tee.

No. 34, C. F., A Joint Resolution, upon the subject of procuring
from Congress, compensation to the citizens of Iowa for services
rendered and expenses incurred in defending the southern border of
the territory of Iowa,

Was read a second time.

On motion of Mr Elbert,

Ordered, That said Joint Resolution be engrossed and read a third
time on to-morrow.

No. 21, C. F., A Bill to incorporate the Toolsborough Manufac-
turing Company, also

No. 27, C. F., A Bill to amend an act, entitled an act, relative
to the Probate of Wills, Executors, Administrators, &c., also

No. 28, C. F., A Bill to amend an act, entitled an act, subjecting
real and personal estate to execution,

Were severally read a third time, passed and titles agreed to.

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company,

Was read a third time.

Mr Cook asked the unanimous consent of the Council to amend the second section of said bill by inserting after the word meridian, the following "with the privilege of erecting mills for milling and manufacturing purposes,"

Which was granted,

And the bill as amended was then passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

The Resolution, providing for the adjournment of both Houses on the first of next month,

Was read, and

On motion of Mr W. Patterson,

Was laid upon the table subject to the order of the Council.

Mr William Patterson, gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a Memorial to Congress for an appropriation of land to complete the Iowa Penitentiary.

Mr Harris from the select Committee to whom was referred,

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company,

Reported the same back to the Council with sundry amendments.

Said bill was then read a second time.

On motion of Mr Leffler,

The Council resolved itself in a Committee of the whole, for the consideration of said bill,

Mr Cook in the chair,

After some time spent therein, Mr President resumed the Chair, and Mr Cook, reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment and ask the concurrence of the Council.

The question being put,

Will the Council concur in the amendment,

It was agreed to.

On motion of Mr Gehon,

Ordered, That said bill be referred to the committee on Incorporations.

On motion of Mr Gehon,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, JANUARY 24, 1844.

Mr Cook from the committee on engrossed bills, reported,
No. 34, C. F., A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa for services rendered and expenses incurred in defending the southern border of the Territory of Iowa,

As correctly engrossed.

No. 34, C. F., A Joint Resolution, &c.,

Was read a third time and passed,

Ordered, That the Secretary notify the House accordingly and request their concurrence.

Mr Teas presented the petition of sundry citizens of Iowa praying the location of a territorial road from the intersection of the Fort Madison road with the old Indian Boundary line in Des Moines Township in Jefferson County, to the new Indian Boundary line near the mouth of Raccoon River, by way of Agency City, Dahlonnegas, John Spurlock's, Nichols Shop, &c.

On motion of Mr Teas,

Ordered, That said petition be referred to the committee on roads.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

I am directed to inform the Council, that the House of Representatives have passed

No. 20, C. F., A bill for the relief of Chauncy Swan,

No. 23, C. F., A Joint Resolution authorizing the Auditor to audit certain warrants,

No. 20, H. R. File, A Bill to authorize John O. Hara, his heirs, and assigns to establish and keep a ferry at Keokuk, in Lee County.

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice therein,

No. 41, H. R. File, A Bill to organize the County of Wapello,

No. 44, H. R. File, A Bill donating certain property in Iowa City, to the Mechanics Mutual aid Association,

No. 48, H. R. File, Joint Resolutions providing for the payment of Doolittle and Munson for certain seals,

No. 49, H. R. File, A Bill to incorporate the Common School Association of Henry County,

No. 53, H. R. File, A Joint Resolution asking Congress for an appropriation to defray the expenses of a Treaty with the Potawatomie Indians, &c., being a substitute for

No. 22, C. F., A Joint Resolution asking an appropriation to defray the expenses of a Treaty with the Potawatomie Indians,

No. 58, H. R. File, A Joint Resolution providing for the publication of the Laws.

The House of Representatives insist on their disagreement to the amendment of the Council to the thirteenth section of

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska,

And have appointed Messrs Baker, Rogers, and Smyth, a committee of conference in relation thereto,

The House have passed with amendments,

No. 7, C. F., A Bill to amend an act, to authorize R. M. G. Patterson to keep a ferry,

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield, to the Indian Boundary line,

No. 31, C. F., A Bill to district the county of Scott, for the election of County Commissioners,

The House have disagreed to the amendments made by the Council to

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque.

I herewith present for your signature,

An act to locate a Territorial Road, from Wapello, in Louisa county to Augusta in Des Moines county,

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled Act.

No. 20, H. R. File, A Bill To authorize John O. Hara, his heirs and assigns to establish and keep a ferry across the Mississippi River, at the town of Keokuk, in the county of Lee,

Was read a first and second time, and

On motion of Mr W. Patterson,

Ordered, That said bill be referred to the delegation from Lee county.

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice thereof,

Was read a first and second time, and

On motion of Mr Leffler,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 41, H. R. File, A Bill to organize the county of Wapello,

Was read a first and second time,

On motion of Mr Teas,

Ordered, That said bill be referred to a select committee, composed of the delegation from the counties of Van Buren and Jefferson.

No. 44, H. R. File, A Bill for an act donating certain property in Iowa City, to the Mechanics Mutual Aid Association,

Was read a first and second time.

On motion of Mr Leffler,

Ordered, That said bill be made the order of the day in Committee of the whole for to-morrow.

No. 48, H. R. File, Joint Resolutions providing for the payment of Doolittle and Munson, for certain seals,

Was read a first and second time,

On motion of Mr Cook,

Ordered, That said Joint Resolutions be read a third time on to-morrow.

No. 49, H. R. File, A Bill to incorporate the Common School Association of Henry county,

Was read a first and second time.

No. 53, H. R. File, A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Potowatomie Indians, also asking the removal of the Missouri Sac and Fox, and Iowa Indians,

Was read a first and second time.

On motion of Mr Cook,

Ordered, That said Joint Resolution be referred to the Committee on Territorial Affairs.

No. 58, H. R. File, Joint Resolution, providing for the publication of the Laws,

Was read a first time,

No. 23, H. R. File, A Bill to organize the counties of Keokuk and Mahaska,

In which the House insist on their disagreement to the amendment made by the Council to the thirteenth section of said bill,

Was taken up and

On motion of Mr Cook,

Ordered, That said bill be laid upon the table.

No. 7, C. F., A Bill to amend an act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi River at the mouth of Nassau Slough,

As amended by the House,

Was taken up, and

On motion of Mr W. Patterson,

Ordered, That the Council disagree to the amendment made by the House.

No. 25, C. F., A Bill to locate a Territorial Road from Fairfield, in Jefferson County to the Indian Agency, at the Raccoon Fork of the Des Moines River, and

No. 31, C. F., A Bill to district the county of Scott for the election of County Commissioners,

As amended by the House, were severally taken up, and the amendments concurred in.

No. 1, H. R. File, A Bill to repeal the charter of the Miners Bank of Du Buque, and to provide for winding up the affairs of the same,

In which the House disagreed to the amendments made by the Council,

Was taken up;

Mr Teas moved to lay said bill upon the table until the fourth day of July next,

Which was decided in the affirmative.

Yeas—9.

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Wm Patterson, R. M. G. Patterson, Elbert, Jenkins, Teas, Wallace and Mr President.

Those who voted in the negative, were,

Messrs Gehon, Harris, and Leffler.

Mr Elbert presented the petition of sundry citizens of Van Buren county, praying the passage of a law, authorizing a bounty to be paid for Wolf Scalps.

On motion of Mr Elbert,

Ordered, That said petition be laid upon the table subject to the order of the Council.

On motion of Mr Christie,

The Council adjourned until to-morrow morning 10 o'clock.

THURSDAY MORNING, JANUARY 25, 1844.

No. 58, H. R. File, A Joint Resolution providing for the publication of the Laws,

Was read a second time;

On motion of Mr Elbert,

Ordered, That said Joint Resolution be laid upon the table subject to the order of the Council.

No. 48, H. R. File, Joint Resolutions providing for the payment of Doolittle and Munson for certain seals,

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 49, H. R. File, A Bill to incorporate the Common School Association of Henry County,

Was read a third time;

On motion of Mr Wallace,

Ordered, That said bill be referred to a select Committee of three;

Messrs Wallace, Teas, and R. M. G. Patterson were appointed said Committee.

No. 44, H. R. File, A Bill for an act donating certain property in Iowa City, to the Mechanics Mutual Aid Association,

Being the order of the day,

Was taken up and considered in committee of the whole,

Mr Teas in the chair;

After some time spent therein, Mr President resumed the Chair, and Mr Teas reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same back without amendments.

On motion of Mr Leffler,

Ordered, That said bill be read a third time on to-morrow.

Mr Jenkins on leave being granted, introduced,

No. 35, C. F., A bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello county,

Which was read a first time.

Mr William Patterson from the Committee on Territorial Affairs, to whom was referred,

No. 53, H. R. File, A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Potowatomie Indians, also asking the removal of the Missouri Sac and Fox, and Iowa Indians,

Reported the same back to the Council with one amendment.

Which was concurred in,

And the Joint Resolution was read a second time.

On motion of Mr Wallace,

Ordered, That the thirteenth rule be suspended, and the Joint Resolution be read a third time,

The Joint Resolution was then read a third time and passed;

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Elbert from the committee on enrolled bills, reported

No. 23, C. F., A Joint Resolution authorizing the Auditor to audit certain warrants,

As correctly enrolled.

Mr Harris, from the committee on roads, to whom was referred the petition of sundry citizens of Wapello and Jefferson counties, praying for the location of a Territorial Road, from the old boundary line in Des Moines township, in Jefferson county, to the seat of Justice of Mahaska county, Reported,

No. 36, C. F., A Bill to locate a Territorial Road from the Old Indian Boundary line in Des Moines township, in Jefferson county, via Agency City, in Wapello county, by Dahlonnegga in said county, to the seat of Justice in Mahaska county,

Was read a first time.

Mr Wallace, from the select committee to whom was referred,

No. 49, H. R. File, A Bill to incorporate the Common School Association of Henry county,

Reported the same back with one amendment, which was to strike out the third section of said bill,

Which amendment was agreed to.

On motion of Mr Wallace,

The thirteenth rule was suspended, and the bill read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Teas moved to adjourn until to-morrow morning, 10 o'clock,

Which was decided in the affirmative,

Yeas—8,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Gehon, Harris, Jenkins, R. M. G. Patterson, Teas, Wallace and Mr President.

Those who voted in the negative, were,

Messrs Cook, Elbert, Leffler, and Wm Patterson.

The Council then stands adjourned accordingly.

FRIDAY MORNING, JANUARY 26, 1844.

Mr Christie, from the select committee to whom was referred

No. 15, C. F., A Bill to encourage the destruction of Wolves,

Reported the same back to the Council with one amendment.

Mr R. M. G. Patterson from the committee on Incorporations, to whom was referred

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company,

Reported the same back with one amendment.

Mr Elbert from the committee on Enrolled Bills, reported

No. 31, C. F. An act to district the county of Scott for the election of County Commissioners, also

No. 20, C. F., A Bill for the relief of Chauncy Swan, also

No. 25, C. F., An Act to locate a Territorial Road from Fairfield in Jefferson county, to the Indian boundary in the direction to the Indian Agency at the Raccoon Fork of the Des Moines River,

As correctly enrolled.

Mr William Patterson, from the select committee to whom was referred

No. 20, H. R. File, A Bill to authorize John O. Hara, his heirs, or assigns to establish and keep a ferry across the Mississippi River at the town of Keokuk, in the County of Lee,

Reported the same back without amendments.

No. 35, C. F., A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello County,

Was read a second time;

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 36, C. F., A Bill to locate a Territorial road from the old Indian boundary line in Des Moines Township in Jefferson county, via Agency City, in Wapello county, by Dahlonnega in said county to the seat of Justice in Mahaska county,

Was read a second time;

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company,

Was taken up, and read as amended by the select committee.

A motion was made by Mr Cook,

To concur in the amendments made by the select committee.

Mr Leffler moved to amend the gentleman's motion by going into committee of the whole upon the bill.

Which was decided in the negative.

The question then recurring upon the motion to concur in the report of the select committee,

Was decided in the affirmative.

On motion of Mr W. Patterson,

Ordered, That said bill be laid upon the table until to-morrow.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House of Representatives have passed

No. 16, H. R. File, A bill to amend certain acts relating to Roads and Highways;

No. 51, H. R. File, A bill relative to Religious Societies;

No. 55, H. R. File, A bill to incorporate the Grandview Literary and Philosophical Society of Louisa county;

No. 60, H. R. File, A bill to incorporate the Iowa Botanic Medical Society;

No. 62, H. R. File, A bill for the relief of Malcolm Murray;

No. 63, H. R. File, A bill to allow Avery Thomas to change his name;

No. 65, H. R. File, A bill to locate a Territorial Road from Dav-enport to Iowa City;

No. 66, H. R. File, A bill to amend an act, entitled an act, to incorporate the Farmers Half Breed Land Company in the county of Lee;

No. 67, H. R. File, A bill to incorporate the Du Buque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company;

No. 68, H. R. File, A bill to extend the Territorial Road from Mount Pleasant to the mouth of the White Breast in Mahaska county;

In all of which the concurrence of the Council is requested.

No. 15, C. F., A bill to encourage the destruction of wolves,

Was read as amended by the select committee;

On motion of Mr Christie,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 20, H. R. File, A bill to authorize John O. Hara, his heirs and assigns to establish and keep a ferry across the Mississippi River at the town of Keokuk, in the county of Lee,

Was read a second time;

On motion of Mr Wm Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 44, H. R. File, A bill donating certain property in Iowa City to the Mechanics Mutual Aid Association,

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 16, H. R. File, A bill to amend certain acts relating to Roads and Highways; also,

No. 51, H. R. File, A bill relative to Religious Societies; also,

No. 55, H. R. File, A bill to incorporate the Grandview Literary and Philosophical Society of Louisa county; also,

No. 60, H. R. File, A bill to incorporate the Iowa Botanic Medical Society.

Were severally read a first time.

No. 62, H. R. File, A bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxay,

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said Bill be referred to the committee on Finance.

No. 63, H. R. File, A bill to allow Avery Thomas to change his name,

Was read a first time.

No. 65, H. R. File, A bill to locate a Territorial Road from Davenport to Iowa City,

Was read a first and second time.

On motion of Mr Cook,

Ordered, That said bill be referred to a select committee composed of the delegation from Johnson, Cedar, Linn and Jones, and Scott counties.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

The House have appointed Messrs Wilson and Foley a

committee on the part of the House, to act in conjunction with a similar committee to be appointed by the Council to ascertain and report to the two Houses, on what day the present session may be brought to a close without detriment to the public interests.

No. 66, H. R. File, A Bill to amend an act, entitled an act, to incorporate the Farmers Half Breed Land Company, in the county of Lee,

Was read a first and second time;

On motion of Mr R. M. G. Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 67, H. R. File, A Bill to incorporate the Du Buque, Clayton, Delaware and Jackson Mutual Fire Insurance Company; also,

No. 68, H. R. File, A Bill to extend the Territorial Road from Mount Pleasant, to the Indian boundary line, *via* Autumwa, Eddysville to Lake Prairie opposite the mouth of Whitebreast, in the county of Mahaska,

Were severally read a first time.

On motion of Mr Wallace,

Ordered, That a committee be appointed on the part of the Council to act in conjunction with a similar committee appointed on the part of the House, relative to the adjournment of the two Houses;

The President appointed Messrs Wallace and Gehon said committee.

On motion of Mr Wallace,

No. 23, H. R. File, A Bill to organize the Counties of Keokuk and Mahaska,

Was taken from the table, and

On motion of Mr Wallace,

Ordered, That a committee of conference be appointed on the part of the Council, to act with a similar committee appointed on the part of the House, in relation to the disagreeing vote on said bill;

Messrs Wallace and Teas, were appointed said committee.

Mr Cook, on leave being granted, introduced,

No. 37, C. F., A Bill to locate a Territorial Road, from a certain point in Muscatine county therein named, to the Rapids on Cedar River, in Linn county,

Which was read a first time.

Mr Cook from the committee on Finance, to whom was referred,

No. 33, H. R. File, Resolutions to provide for the payment of the reports of the Supreme Court furnished under the resolutions of the last session of the Legislature,

Reported the same back to the Council with the following amendment, *to wit*:

Provided, That this Resolution shall not authorize the said Secretary to pay the amount in preference to the expenses of the present Legislature;

And provided further, that the said Bradford, shall only receive his *pro rata* of any funds appropriated by Congress, or allowed by

the Department at Washington City, to defray the indebtedness incurred by the last session of this Legislature.

Which amendment was read,

And the question being taken upon concurring in the report of the committee,

Was decided in the negative.

A motion was made by Mr Leffler,

To read said bill a third time on to-morrow,

And decided in the negative.

Yeas—5,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Jenkins, Leffler, William Patterson and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Elbert, R. M. G. Patterson, Teas and Wallace.

On motion of Mr Leffler,

Ordered, That said Resolution be laid upon the table subject to the order of the Council.

On motion of Mr Wallace,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

SATURDAY MORNING, JANUARY 27, 1844.

Mr Cook from the committee on engrossed bills, reported,

No. 15, C. F., A Bill to encourage the destruction of wolves; also,

No. 36, C. F., A Bill to locate a territorial Road from the Old Indian boundary line in Des Moines Township, in Jefferson county, *via* Agency City in Wapello county by Dahlonnaga in said county, to the Seat of Justice in Mahaska county; also,

No. 35, C. F., A Bill to locate a territorial Road from Iowaville, in Van Buren county, to Autumwa in Wapello county,

As correctly engrossed.

No. 37, C. F., A Bill to locate a Territorial Road from a certain point in Muscatine county therein named, to the Rapids on Cedar River in Linn county,

Was read a second time;

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on Roads.

No. 16, H. R. File, A Bill to amend certain acts, relating to roads and highways,

Was read a second time;

On motion of Mr W. Patterson,

Ordered, That said bill be referred to the committee on roads.

No. 51, H. R. File, A Bill relative to Religious Societies,

Was read a second time;

On motion of Mr Elbert,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 55, H. R. File, a Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county,

Was read a second time;

On motion of Mr Elbert,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 63, H. R. File, A Bill to allow Avery Thomas, to change his name,

Was read a second time;

On motion of Mr Gehon,

Ordered, That said bill be read a third time on Monday next.

No. 67, H. R. File, A bill to incorporate the Du Buque, Clayton, Delaware and Jackson Mutual Fire Insurance Company,

Was read a second time;

On motion of Mr Gehon,

Ordered, That said bill be read a third time on Monday next.

No. 60, H. R. File, A bill to incorporate the Iowa Botanic Medical Society.

Was read a second time;

On motion of Mr Gehon,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 68, H. R. File, A bill to extend the Territorial Road from Mount Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, opposite the mouth of White Breast in the county of Mahaska,

Was read a second time.

On motion of Mr Teas,

Ordered, That said bill be read a third time on Monday next.

No. 20, H. R. File, A bill to authorize John O. Hara, his heirs and assigns to establish and keep a ferry across the Mississippi River at the town of Keokuk in the county of Lee,

Was read a third time, passed, and title agreed to.

No. 66, H. R. File, A bill to amend an act, entitled an act, to incorporate the Farmers Half Breed Land Company in the county of Lee,

Was read a third time;

And the question being taken upon the passage of the bill

Was decided in the affirmative,

Yeas—9.

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Harris, Jenkins, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Gehon, Leffler, and Mr President.

The bill was accordingly passed and the title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 15, C. F., A Bill to encourage the destruction of wolves,
Was read a third time;

Mr Elbert asked the unanimous consent of the Council, to amend the second section of said bill, in the eighth line, by inserting after the word wolf the words "taken and"

Which consent was granted,

The bill as amended was then passed, and the title agreed to.

No. 35, C. F., A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello County: also,

No. 36, C. F., A Bill to locate a Territorial road from the old Indian boundary line in Des Moines Township in Jefferson county, via Agency City, in Wapello county, by Dahlonnegga in said county to the seat of Justice in Mahaska county,

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice therein,

Reported the same back with one amendment.

Mr Wallace from the committee of conference appointed on the part of the Council, to confer with a similar committee appointed on the part of the House of Representatives, relative to the disagreeing vote of the two Houses to the amendment made by the Council to

No. 23, H. R. File, A bill to organize the counties of Keokuk and Mahaska,

Reported, That said committee had conferred together, and that the committee on the part of the House, had agreed to recommend that the House do concur with the Council, in the amendment made by the Council to said bill.

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice therein,

Was taken up and read as amended by the committee on the Judiciary,

And the amendment concurred in;

On motion of Mr Wallace,

Ordered, That said bill be read a third time on Monday next.

On motion of Mr Cook,

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company,

Was taken from the table;

The question was then taken upon an amendment offered by Mr Gehon on yesterday, to the thirteenth section of said bill, which was to add to said section the words "unless sooner repealed by the Legislature,"

Which was decided in the negative,

Yeas—4,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Jenkins, Leffler, and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Elbert, Harris, William Patterson, R. M. G. Patterson, Teas and Wallace.

Mr Leffler moved to amend the thirteenth section of said bill, by striking out forty, and inserting in lieu thereof twenty.

Mr Cook called for a division of the question,

Which was had,

And the question being taken on striking out,

Was decided in the negative,

Yeas—6,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Leffler, Wm Patterson, Teas and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Harris, Jenkins, R. M. G. Patterson and Wallace.

On motion of Mr Cook,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Elbert, on leave being granted, introduced

No. 38, C. F., A Bill to locate a Territorial road from the southern line of Davis county, to the northern line of Wapello county;

Which was read a first and second time,

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time on Wednesday next.

A Message from the House of Representatives, by Mr Fales their chief clerk:

MR PRESIDENT:

I herewith present for your signature—

An act to change the time of holding the General Elections;

An act to incorporate the Burlington University;

A Joint Resolution authorizing the Auditor to audit certain warrants;

An Act to locate a Territorial Road from Fairfield in Jefferson county, to the Indian boundary in the direction to the Indian Agency at the Raccoon Fork of the Des Moines River;

An act to district the county of Scott for the election of County Commissioners;

An act for the relief of Chauncy Swan;

The House insist upon their amendment to

No. 7, C. F., A Bill to amend an act, to authorize R. M. G. Patterson to establish and keep a ferry, across the Mississippi river, at the mouth of Nassau Slough;

And then he withdrew.

The President then signed the foregoing entitled Acts, and Joint Resolution.

A motion was made by Mr Leffler,

To take from the table

No. 58, H. R. File, A Joint Resolution providing for the publication of the Laws,

Which was decided in the negative.

Mr Cook moved to take from the table,

The Resolution relative to the adjournment of the two Houses on the first of next month,

Pending which,

Mr R. M. G. Patterson, moved that the Council do adjourn until Monday morning 10 o'clock,

Which was decided in the affirmative.

The Council stands adjourned accordingly.

MONDAY MORNING, JANUARY 29, 1844.

Mr Wallace presented the petition of sundry citizens of the county of Lee, praying the location of a road from John Scott's farm, at the lower end of Nassau Island in Lee county, to James Hunt's, on the road leading from Farmington to Keokuk.

On motion of Mr Wallace,

Ordered, That said petition be referred to the committee on Roads, with instructions to report a bill.

Mr Wallace presented the petition of sundry citizens of the Territory, praying the abolishment of the law, authorizing the Clerk of the District Court to issue Marriage License and charge a fee therefor;

Which petition,

On motion of Mr Wallace,

Was laid upon the table, subject to the order of the Council.

Mr Leffler, from the select committee to whom was referred
No. 17, H. R. File, A bill to incorporate the Board of Trustees
of the Congregational Church of Burlington;

Reported,

No. 39, C. F., A bill to incorporate the Board of Trustees of the
Congregational Church and Society of Burlington,

A substitute for No. 17, H. R. File,

Which substitute was read a first time.

Mr Elbert from the select committee to whom was referred

No. 22, H. R. File, A bill to establish a Territorial road from
Iowaville on the Des Moines River, to the Missouri line at the
point where the Mormon trace crosses said line;

Reported the same back without amendments, and recommend
its passage.

Mr Wallace from the committee on the Judiciary, reported

No. 40, C. F., A bill to amend an act entitled an act to abolish
imprisonment for debt, approved, February 8th, 1843.

Which was read a first time.

Mr Cook, from the committee on engrossed bills, reported

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing
Company; also,

No. 38, C. F., A bill to locate a Territorial road from the south-
ern line of Davis county to the northern line of Wapello county,

As correctly engrossed.

A message from the House of Representatives by Mr Fales, their
Chief Clerk.

Mr PRESIDENT:

The House of Representatives have passed

No. 3, H. R. File, A bill to authorize Hugh Boyle and Ralph
Bissell to erect a dam across Skunk River in Henry county;

No. 50, H. R. File, A bill to amend an act, entitled an act, for
the prevention of certain immoral practices;

No. 56, H. R. File, A bill to amend an act, entitled an act, for
the election of Constables and defining their duties;

No. 69, H. R. File, A bill to punish the obstructing Public
Roads, &c.;

No. 70, H. R. File, A bill to locate a Territorial road from Brigh-
ton in Washington county, to the county seat of Mahaska;

No. 71, H. R. File, A resolution asking of Congress the establish-
ment of a Post Route from Nauvoo to Montrose;

No. 73, H. R. File, A memorial to Congress asking for an appro-
priation to pay the debts of the Territory;

No. 74, H. R. File, Joint Resolutions relative to Mail Routes,
No. 4228 and 4506;

No. 80, H. R. File, A bill to incorporate the subscribers for erecting a dam across the Muscatine Slough;

No. 81, H. R. File, A bill to legalize the acts of James T. Hardin, Recorder of Jefferson county;

No. 82, H. R. File, A Bill to amend an act, entitled an act, to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians;

No. 83, H. R. File, A memorial to Congress asking for a donation of land for the Iowa City College;

No. 84, H. R. File, A memorial to Congress relative to granting the right of pre-emption to unsurveyed lands;

No. 85, H. R. File, Joint Resolutions for the establishment of certain Post Routes;

No. 86, H. R. File, A bill to amend the several acts for the incorporation of Mount Pleasant; and

No. 34, C. F., A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa for services rendered and expenses incurred in defending the southern border of the Territory of Iowa;

Also, with amendments,

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company; and

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company.

The House have concurred in the report of the committee of conference relative to

No. 23, H. R. File, A Bill to organize the Counties of Keokuk and Mahaska,

I herewith present for your signature,

A Joint Resolution providing for the payment of Doolittle and Munson, for certain seals;

A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Potowatomie Indians, also asking the removal of the Missouri Sac and Fox, and Iowa Indians;

An act donating certain property in Iowa City to the Mechanics Mutual Aid Association;

An act to incorporate the Common School Association of Henry county;

An act to incorporate the Farmington Academy and High School;

An act to amend an act, entitled an act, to incorporate the Farmers Half Breed Land Company in the county of Lee;

An act to authorize John O. Hara, his heirs and assigns to establish and keep a ferry across the Mississippi River, at the town of Keokuk, in the county of Lee;

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the foregoing entitled Acts and Joint Resolutions.

Mr Cook, from the select committee to whom was referred

No. 65, H. R. File, A Bill to locate a Territorial road from Davenport to Iowa City,

Reported the same back with one amendment, and recommend its passage.

Mr Cook from the committee on Finance, to whom was referred

No. 62, H. R. File, A bill for the relief of Malcolm Murray;

Reported the same back without amendments and recommend its passage.

No. 65, H. R. File, A bill to locate a Territorial Road from Davenport to Iowa City,

As amended by the select committee,

Was read a second time;

On motion of Mr Cook,

Ordered, That the thirteenth rule be suspended and the bill read a third time, now;

The bill was read a third time, passed and title agreed to.

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice therein; also,

No. 63, H. R. File, A bill to allow Avery Thomas to change his name; also,

No. 67, H. R. File, A bill to incorporate the Du Buque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company; also,

No. 68, H. R. File, A bill to extend the Territorial Road from Mount Pleasant to the mouth of the White Breast in Mahaska county; also,

No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing Company; also,

No. 22, H. R. File, A Bill to establish a Territorial Road from Iowaville, on the Des Moines River, to the Missouri line, at the point where the Mormon trace crosses said line; also,

No. 62, H. R. File, A bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxay,

Were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 3, H. R. File, A Bill to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river, in Henry county,

Was read a first and second time;

On motion of Mr Wallace,

Ordered, That said bill be referred to the delegation from Henry and Lee counties.

No. 50, H. R. File, A Bill to amend an act, entitled an act, for the prevention of certain immoral practices,

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill be referred to a select committee of three;

Messrs Elbert, Gehon and Christie, were appointed said committee.

No. 56, H. R. File, A Bill to amend an act, entitled an act, for the election of Constables, and defining their duties, approved, January 24th, 1839;

Was read a first and second time;

On motion of Mr Christie,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 69, H. R. File, A Bill to punish the obstructing the public roads, &c.,

Was read a first and second time;

On motion of Mr Wm Patterson,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 70, H. R. File, A Bill to locate and establish a Territorial Road from Brighton in Washington county to the county seat of Mahaska county,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 71, H. R. File, A Resolution asking Congress for the establishment of a Post Route from Nauvoo to Montrose,

Was read a first time.

No. 73, H. R. File, A memorial to Congress asking for an appropriation to pay the debts of the Territory,

Was read a first and second time;

On motion of Mr Wallace,

The thirteenth rule was suspended, the memorial read a third time and passed.

No. 74, H. R. File, Joint Resolutions relative to Mail Routes, No. 4228 and 4506,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said Joint Resolutions be laid upon the table.

No. 80, H. R. File, A Bill to incorporate the subscribers for erecting a dam across the Muscatine slough,

Was read a first and second time;

On motion of Mr Harris,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 81, H. R. File, A Bill to legalize the acts of James T. Harden, Recorder of Jefferson county,

Was read a first and second time,

On motion of Mr Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 82, H. R. File, A Bill to amend an act entitled an act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved February 17, 1843,

Was read a first and second time,

On motion of Mr Harris,

Ordered, That said bill be read a third time on to-morrow.

No. 83, H. R. File, Memorial to Congress asking for a donation of land for the Iowa City College,

Was read a first and second time;

On motion of Mr Teas,

Ordered, That said Memorial be referred to the committee on Schools.

No. 84, H. R. File, A Memorial to Congress relative to granting the right of pre-emption to unsurveyed lands;

Was read a first and second time,

On motion of Mr Wallace,

The thirteenth rule was suspended, the Memorial read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 85, H. R. File, Joint Resolutions for the establishment of certain Post Routes,

Was read a first and second time;

On motion of Mr Teas,

Ordered, That Joint Resolution be referred to a select committee composed of one from each electoral district.

Messrs Christie, Cook, Elbert, Gehon, Harris, Leffler, Jenkins, R. M. G. Patterson, Springer, Teas and Wallace were appointed said committee.

No. 86, H. R. File, A Bill to amend an act entitled an act to amend an act entitled an act for the incorporation of the town of Mount Pleasant in Henry county, &c.

Was read a first and second time;

On motion of Mr Wallace,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company, and

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company,

Being returned from the House of Representatives with one amendment, each,

Were severally taken up,

And the amendments read, and

On motion of Mr Cook,

Were severally laid upon the table.

No. 8, C. F., A Bill to amend an act entitled an act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi River at the mouth of Nassau Slough,

In which the House insist on their amendment to said bill,
Was taken up and considered;

On motion of Mr Elbert,

Ordered, That the Council adhere to their amendment made to said bill.

On motion of Mr W. Patterson,

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison, in Lee county,

Was taken from the table, and

On motion of Mr W. Patterson,

Ordered, That said bill be referred to a select Committee of three;

Messrs Wm Patterson, Jenkins and Elbert were appointed said committee.

A motion was made by Mr Leffler to take from the table

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws,

Which was decided in the negative,

Yeas—4,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Leffler, Wm Patterson and Mr President.

Those who voted in the negative, were,

Messrs Christie, Cook, Elbert, Harris, Jenkins, R. M. G. Patterson, Teas and Wallace.

Mr Elbert, on leave being granted, introduced

No. 41, C. F., A Bill to change the name of the town of Hartford in Van Buren county,

Which was read a first and second time;

On motion of Mr Wallace,

Ordered, That Bloomfield be stricken out of said bill, and Elbertville be inserted;

On motion of Mr Elbert,

Ordered, That said bill be laid upon the table.

The President announced communications from the Governor on Executive business;

On motion of Mr Christie,

Ordered, That the Council resolve itself into an Executive session.

After some time spent therein, the Executive session rose.

On motion of Mr Gehon,

The Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, JANUARY 30, 1844.

Mr Elbert from the committee on Enrolled Bills, reported
That they did on the 29th inst. present to the Governor for his approval,

An act for the relief of Chauncy Swan, also,

An act to locate a Territorial Road from Fairfield in Jefferson county, to the Indian boundary in the direction of the Indian Agency at the Raccoon Fork of the Des Moines River; also,

An act to district the county of Scott for the election of County Commissioners; also,

A Joint Resolution authorizing the Auditor to audit certain warrants.

Mr Wallace from the Joint Committee appointed to ascertain the earliest day that the Legislature may adjourn without detriment to the public interest;

Report, that they are unanimously of the opinion after a careful and thorough examination of the matter, that the Legislature cannot adjourn before the 16th day of February next, without proving detrimental to the public interest.

Mr Harris from the committee on roads to whom was referred the petition of sundry citizens of Lee county, praying the location of a road from the lower end of Nassau Island in said county to intersect the road leading from Keokuk to Farmington; reported,

No. 42, C. F., A Bill to establish and locate a road from John Scott's farm on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington at or near the residence of Phineas Hunt; also,

No. 16, H. R. File, A bill to amend certain acts relating to Roads and Highways;

With one amendment,

Which is to strike out the second section of said bill; also,

No. 37, C. F., A Bill to locate a Territorial Road, from a certain point in Muscatine county therein named, to the Rapids on Cedar River, in Linn county,

Without amendments.

Mr Wallace from the committee on the Judiciary to whom was referred,

No. 51, H. R. File, A bill relative to Religious Societies;

Reported the same back with the following amendment as an additional section, viz:

SEC. 6, That all religious societies heretofore incorporated under any act of the Legislature of this Territory, shall have all the rights and privileges granted by this act; also,

No. 56, H. R. File, A Bill to amend an act, entitled an act, for

the election of Constables, and defining their duties, approved, January 24th, 1839; also,

No. 60, H. R. File, A bill to incorporate the Iowa Botanic Medical Society,

Without amendments; also,

No. 81, H. R. File, A bill to legalize the acts of James T. Hardin, Recorder of Jefferson county;

With the following amendment, viz:

Insert after the word "as" in the fourth line of Sec. 1st, the words "deputy recorder for Evan T. Butler."

Mr Teas from the select committee to whom was referred

No. 85, H. R. File, Joint Resolutions for the establishment of certain Post Routes;

Reported the same back with the following amendment, viz:

From Bloomington in Muscatine county, via Moscow in said county, thence to Tipton, Cedar county, thence to Franklin in Linn county, thence to Marion in said Linn county.

Mr Wm Patterson according to previous notice, introduced

No. 43, C. F., A Memorial to Congress for an appropriation of Land to complete the Iowa Penitentiary.

Mr Elbert from the committee on enrolled bills, reported

No. 34, C. F., A Joint Resolution upon the subject of procuring from Congress, compensation to the citizens of Iowa, for services rendered and expenses incurred in defending the southern border of the Territory of Iowa,

As correctly enrolled.

No. 42, C. F., A Bill to establish and locate a road from John Scott's farm, on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington at or near the residence of Phineas Hunt,

Was read a first and second time;

On motion of Mr Wm Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 16, H. R. File, A Bill to amend certain acts, relating to roads and highways,

Was taken up and read as amended by the committee on roads.

On motion of Mr Wallace,

Ordered, That said bill be made the order of the day for to-morrow in committee of the whole.

No. 37, C. F., A Bill to locate a Territorial Road from a certain point in Muscatine county therein named, to the Rapids on Cedar River in Linn county,

Having been reported without amendments,

Was taken up.

On motion of Mr Cook,

Ordered, That said bill be read a third time now;

Said bill was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

No. 51, H. R. File, A Bill relative to Religious Societies;
Having been reported by the committee on the Judiciary with one amendment,

Was taken up.

Mr Gehon moved to amend the amendment by adding the words "and none other."

Which was decided in the negative.

The question was then taken on concurring in the report of the committee,

And decided in the affirmative.

On motion of Mr Elbert,

Ordered, That said bill be read a third time on to-morrow.

No. 56, H. R. File, A Bill to amend an act entitled an act for the election of Constables and defining their duties, approved January 24th, 1839;

Was read a second time;

On motion of Mr Cook,

Ordered, That said bill be read a third time on to-morrow.

No. 60, H. R. File, A Bill to incorporate the Iowa Botanic Medical Society;

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 81, H. R. File, A Bill to legalize the acts of James T. Harden recorder of Jefferson county,

Was taken up and read as amended by the committee on the Judiciary,

And the amendments concurred in;

On motion of Mr Teas,

Ordered, That said bill be read a third time on to-morrow.

No. 85, H. R. File, Joint Resolutions for the establishment of certain Post Routes,

Was taken up and read as amended by the select committee,

And the amendment concurred in.

On motion of Mr Teas,

The thirteenth rule was suspended, and the Joint Resolutions were read a third time and passed;

Ordered, That the Secretary notify the House accordingly.

No. 43, C. F., A Memorial to Congress for an appropriation of Land to complete the Iowa Penitentiary,

Was read a first and second time;

On motion of Mr W. Patterson,

Ordered, That said memorial be engrossed and read a third time on to-morrow.

No. 39, C. F., A bill to incorporate the board of Trustees of the Congregational Church and Society of Burlington;

Was read a second time;

On motion of Mr Leffler,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 40, C. F., A bill to amend an act entitled an act to abolish imprisonment for debt, approved, February 8th, 1843.

Was read a second time,

On motion of Mr Leffler,

Ordered, That said bill be laid upon the table subject to the order of the Council,

No. 71, H. R. File, A resolution asking of Congress the establishment of a Post Route from Nauvoo to Montrose,

Was read a second time;

On motion of Mr Wm Patterson,

Ordered, That the thirteenth rule be suspended and the resolution be read a third time, now;

The resolution was then read a third time and passed.

No. 82, H. R. File, A Bill to amend an act, entitled an act, to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved February 17th, 1843,

Was read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Gehon, on leave being granted, introduced

No. 44, C. F., Memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City; also,

No. 45, C. F., A bill to amend an act, entitled an act, establishing the prices of Public Printing;

Which were severally read a first time.

A motion was made by Mr Elbert,

To reconsider the vote taken on yesterday, adhering to the disagreement to the amendment made by the House to

No. 8, C. F., A Bill to amend an act, entitled an act, to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of Nassau Slough;

Which was decided in the affirmative.

On motion of Mr Elbert,

Ordered, That the Council recede from their disagreement to the amendment made by the House, to No. 8, C. F.

A motion was made by Mr Cook,

To take from the table the resolution relative to the adjournment of the two Houses on the first of next month,

And decided in the affirmative.

Yeas—7,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Gehon, Jenkins, Leffler and Wallace.

Those who voted in the negative, were

Messrs Harris, William Patterson, R. M. G. Patterson, Teas and Mr President.

Mr Cook moved to amend the resolution by striking out the first, and inserting the fifth.

Mr R. M. G. Patterson called for a division of the question, which was had;

And the question being taken on striking out,
Was decided in the negative,

Yeas—6,

Nays—6.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Cook, Harris, Jenkins, Wallace and Mr President.

Those who voted in the negative, were
Messrs Elbert, Gehon, Leffler, Wm Patterson, R. M. G. Patterson and Teas.

Mr Cook then moved to have said resolution engrossed and read a third time on to-morrow;

Which was decided in the negative.

Yeas—2,

Nays—10.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, and Cook,
Those who voted in the negative, were
Messrs Elbert, Gehon, Harris, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Teas, Wallace and Mr President.

A motion was made by Mr R. M. G. Patterson,
To lay said resolution upon the table until the fifteenth day of February next.

Mr Christie moved to amend the motion, by inserting the 10th;
The question then being taken upon Mr R. M. G. Patterson's motion, (it being the largest number,)

It was decided in the affirmative, and

The resolution lies upon the table until February 15th.

On motion of Mr Harris,

No. 80, H. R. File, A bill to incorporate the subscribers for erecting a dam across the Muscatine Slough;

Was taken from the table,

On motion of Mr Harris,

Ordered, That said bill be read a third time now;

The bill was then read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House accordingly.

Mr Harris on leave being granted, introduced

No. 46, C. F., A Bill for an act donating to the Baptist Church of Iowa City, a certain lot of ground therein named,

Which was read a first and second time;

On motion of Mr Harris,

Ordered, That the consideration of said bill be made the order of the day for Friday next.

Mr Elbert from the select committee to whom was referred
No. 30, H. R. File, A Bill, to enable settlers on public lands
to recover value for their improvements,

Reported the same back to the Council without amendments and
recommend its passage.

On motion of Mr Cook,

Ordered, That said bill be laid upon the table subject to the order
of the Council.

The President announced a communication from the Governor on
Executive Business;

On motion of Mr Wallace,

Ordered, That the Council resolve itself into an Executive Ses-
sion;

After some time spent therein,

The Executive session rose.

On motion of Mr Wallace,

The Council adjourned until to-morrow morning 10 o'clock.

WEDNESDAY MORNING, JANUARY 31, 1844.

Mr Christie presented the petition of sundry citizens of Scott
county, praying the passage of a law authorizing the vacation of a
part of the town of Parkhurst in said county.

On motion of Mr Christie,

Ordered, That said petition be referred to a select committee of
three,

Messrs Christie, Cook, and Teas were appointed said commit-
tee.

Mr Harris introduced

No. 46, C. F., Joint Resolution authorizing payment to F. M.
Irish, for services rendered and losses sustained in transporting
specie under the authority of O. H. W. Stull, late Secretary of Iowa;

Which was read a first and second time,

On motion of Mr Harris,

Ordered, That said Resolution be referred to a select committee
of three,

Messrs Harris, Springer and Leffler were appointed said com-
mittee.

Mr R. M. G. Patterson from the committee on Incorporations,
To whom was referred,

No. 32, C. F., A Bill to allow John Godden, Samuel Clark,
John Groom, Archibald McDonald, and P. M. Janney of Van Bu-

ren county, further time to construct a dam and lock, across the Des Moines River at Pittsburg in said county.

Reported the same back to the Council with one amendment,

Viz: to substitute the following as the second section of said bill, to wit:

Sec. 2, That the eighth section of the above named act to which this act is amendatory, is hereby amended, so as to constitute the said John Godden, Samuel Clark, John Groom, Archibald McDonald and P. M. Janney, tenants in common, and vest in the said tenants in common their heirs and assigns an equal undivided interest in said dam and the privileges thereto appertaining;

Which amendment was concurred in,

And the bill was read a second time,

Mr Elbert from the committee on Enrolled Bills, reported as correctly enrolled:

An act, to amend an act, entitled an act, to authorize R. M. G. Patterson to establish and keep a ferry, across the Mississippi river, at the mouth of Nassau Slough;

Mr Leffler from the committee on Schools to whom was referred, No. 83, H. R. File, Memorial to Congress asking for a donation of land for the Iowa City College,

Reported the same back with one amendment.

Mr Elbert from the select committee who were authorized and instructed to make enquiry relative to the donation of land by the United States to the Territory of Iowa for a University,

REPORT:

That the select committee appointed to ascertain what action the Secretary of the Treasury of the United States has had relative to the act of Congress approved July 20th, 1840, granting two townships of Land to the Territory of Iowa, for the purpose of establishing a University in said Territory, &c., have performed the duties required, and

Report. That the Secretary of the Treasury some time since appointed William W. Dodge, of Davenport, Scott county, to select said lands according to the provisions of said act, but from causes unknown to your committee the said William W. Dodge, has failed to perform the duties required, further than to select one section of land in the Du Buque Land Office District, leaving seventy one sections yet to be selected (see letters marked A. and B. accompanying this report, and which the committee received from the Register of the Land Office at Du Buque and Fairfield.)

Your committee have also been informed that the said Sub-Agent has left the Territory some months since, and gone to parts unknown.

That the interests of the Territory have been injured by the neglect and delay in this matter, your committee have no doubt.

By an early and judicious selection, this donation may yet, in the opinion of your committee, be made very valuable.

At \$1 25 per acre, it amounts to the sum of \$57,500; and your committee believe that it is yet possible to select lands that will be so valuable as to soon raise a fund of several hundred thousand dollars, and in view of which recommend the adoption of the accompanying Preamble and Resolutions.

No. 47, C. F., Joint Resolutions relative to the University Lands of Iowa Territory,

Was read a first time.

Mr Cook from the committee on engrossed bills, reported,

No. 43, C. F., A Memorial to Congress for an appropriation of land to complete the Iowa Penitentiary,

As correctly engrossed.

No. 44, C. F., Memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City,

Was read a second time;

On motion of Mr Gehon,

Ordered, That said memorial be engrossed and read a third time on to-morrow.

No. 45, C. F., A Bill to amend an act entitled an act establishing the prices of Public Printing,

Was read a second time;

On motion of Mr Cook,

Ordered, That said bill be referred to a select committee of three;

Messrs Cook, Gehon and Teas, were appointed said committee.

No. 42, C. F., A Bill to establish and locate a road from John Scott's farm on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington, at or near the residence of Phineas Hunt; also,

No. 51, H. R. File, A bill relative to Religious Societies; also,

No. 56, H. R. File, A bill to amend an act, entitled an act, for the election of Constables and defining their duties, approved January 24th, 1839; also,

No. 81, H. R. File, A Bill to legalize the acts of James T. Harden, Recorder of Jefferson county; also,

No. 38, C. F., A Bill to locate a Territorial road from the southern line of Davis county, to the northern line of Wapello county; also,

No. 39, C. F., A bill to incorporate the Board of Trustees of the Congregational Church and Society of Burlington; also,

No. 43, C. F., A Memorial to Congress for an appropriation of Land to complete the Iowa Penitentiary;

Were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 32, C. F., A Bill to allow John Godden, Samuel Clark, John Groom, Archibald McDonald and P. M. Janney of Van Buren

county, further time to construct a dam and lock across the Des Moines river at Pittsburg in said county;

Was ordered to be engrossed and read a third time on to-morrow.

No. 83, H. R. File, A memorial to Congress asking for a donation of land for the Iowa City College;

As amended by the committee on Schools,

Was read a second time;

On motion of Mr Harris,

Ordered, That said memorial be read a third time on to-morrow.

Mr William Patterson, from the select committee to whom was referred

No. 14, C. F., A Bill to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison in Lee county;

Reported the same back and recommend that the Council concur in the amendments made to said bill by the House.

The amendments made to said bill by the House were then concurred in.

No. 16, H. R. File, A bill to amend certain acts relating to Roads and Highways,

Being the order of the day, was taken up and considered in committee of the whole.

Mr Cook in the chair;

After some time spent therein, Mr President resumed the Chair, and Mr Cook reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with sundry amendments, and ask the concurrence of the Council.

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on roads.

On motion of Mr Cook,

Ordered, That

No. 30, C. F., A Bill to incorporate the Wapsipinecon mill company,

Be taken from the table.

On motion of Mr Cook,

Ordered, That the Council disagree to the amendment made by the House to said bill.

On motion of Mr Springer,

No. 21, C. F., A Bill, to incorporate the Toolsborough Manufacturing Company,

Was taken from the table;

On motion of Mr Springer,

Ordered, That the Council disagree to the amendment made by the House to said bill.

Mr Elbert gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill to amend an act, entitled

an act, authorizing the several Boards of County Commissioners to grant permits for constructing dams across navigable streams.

On motion of Mr Leffler,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

Mr Gehon moved a call of the Council,

Which was had;

And after a short time, the absent members appearing,

On motion of Mr Gehon,

A further call of the Council was suspended.

On motion of Mr Springer,

No. 55, H. R. File, A bill to incorporate the Grandview Literary and Philosophical Society of Louisa county; also,

No. 70, H. R. File, A Bill to locate and establish a Territorial Road from Brighton in Washington county to the county seat of Mahaska county,

Were severally taken from the table, read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr Cook,

No. 40, C. F., A Bill to amend an act, entitled an act to abolish imprisonment for debt, approved February 8th, 1843,

Was taken from the table;

Mr Cook moved to amend said bill by striking out all after the enacting clause, and inserting the following as a substitute, to wit:

Sec. 1. That no person shall, after the passage of this act, be arrested, held to bail or imprisoned on any *mesne* process or execution founded upon any contract or debt whatsoever.

Sec. 2. That the act to which this is an amendment, be, and the same is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Which amendment was agreed to.

On motion of Mr Cook,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr Leffler,

No. 58, H. R. File, Joint Resolutions providing for the publication of the Laws,

Was taken from the table, and read a second time.

Mr Elbert offered the following as a substitute for the foregoing resolution, to wit:

That the Secretary of the Territory be, and he is hereby authorized and required to receive sealed proposals until the 25th day of February next, for the printing of 2500 copies of the laws of the present session of the Legislature, at which time he shall give the printing of said Laws to the person proposing to do the same for the

lowest price; *Provided*, that the Printer of said Laws shall give bond, and in other respects comply with the law establishing the prices of Public Printing.

Which was adopted by the following vote:

Yeas—8,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Harris, Jenkins, R. M. G. Patterson, Springer and Teas.

Those who voted in the negative, were

Messrs Gehon, Leffler, Wm Patterson, Wallace and Mr President.

Mr Cook moved to amend the substitute by adding the following resolution, to wit:

Resolved, That James McIntosh of Iowa City, be, and he is hereby authorized to bind the laws of the present session in pamphlet form, for which the Secretary of the Territory is hereby authorized to pay him at the rate of fifteen cents per copy: *Provided*, said McIntosh shall execute and deliver to the acceptance of said Secretary, a good and sufficient bond, conditioned for the faithful performance of the contract, and also for the delivery of said laws within thirty days from the time he shall receive the sheets.

Which amendment was agreed to.

Mr Gehon moved to refer said resolutions to a select committee;

Which was decided in the negative,

Mr Leffler moved a reconsideration of the vote taken on the adoption of Mr Cook's amendment;

Which was decided in the affirmative.

On motion of Mr Wallace,

Ordered, That the consideration of said resolutions be made the order of the day for to-morrow, in committee of the whole.

On motion of Mr Christie,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

THURSDAY MORNING, FEBRUARY 1, 1844.

Mr Gehon from the select committee to whom was referred No. 29, C. F., A bill to incorporate the Du Buque Mining Company,

Reported the same back without amendment.

Mr Elbert from the committee on Enrolled Bills, reported as correctly enrolled;

An act to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison, in Lee county,

Mr Cook, from the committee on engrossed bills, reported as correctly engrossed;

No. 32, C. F., A Bill to allow John Godden, Samuel Clark, John Groom, Archibald McDonald, and P. M. Janney of Van Buren county, further time to construct a dam and lock, across the Des Moines River at Pittsburg in said county; also,

No. 40, C. F., A bill to amend an act entitled an act to abolish imprisonment for debt, approved, February 8th, 1843; also,

No. 44, C. F., Memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City;

Mr William Patterson introduced the following:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of repealing the seventeenth section of an act relating to costs and fees,

Which was adopted.

No. 47, C. F., Joint Resolutions relative to the University Lands of Iowa Territory,

Was read a second time,

On motion of Mr Elbert,

Ordered, That said Joint Resolutions be engrossed and read a third time on to-morrow.

No. 83, H. R. File, Memorial to Congress asking for a donation of land for the Iowa City College; also,

No. 32, C. F., A Bill to allow John Godden and others of Van Buren county, further time to construct a dam across the Des Moines river at Pittsburgh in said county; also,

No. 40, C. F., A Bill to amend an act, entitled an act, to abolish imprisonment for debt, approved February 8th, 1843; also,

No. 44, C. F., Memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa city,

Were severally read a third time, passed and titles agreed to;

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

Mr Springer moved a call of the Council which was had;

And after a short time the absent members appearing;

On motion of Mr Gehon,

A further call of the Council was dispensed with.

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws,

Being the order of the day,

Was taken up and considered in committee of the whole,

Mr Springer in the chair;

After some time spent therein, Mr President resumed the chair, and Mr Springer reported that the committee had, according to order, had said Joint Resolution under consideration, and instructed

him to report the same back with amendments, and ask the concurrence of the Council.

The question being put, will the Council concur in the amendments?

It was decided in the negative.

Mr Teas moved to amend the Joint Resolution by inserting after the word Printing the words "and binding in pamphlet form;"

Which motion was agreed to.

Mr Gehon then moved the adoption of the original resolution as a substitute for the one just adopted,

Which was decided in the negative.

Yeas—5,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Leffler, Wm Patterson, R. M. G. Patterson, and Mr President.

Those who voted in the negative, were,

Messrs Christie, Cook, Elbert, Harris, Jenkins, Springer, Teas and Wallace.

On motion of Mr Gehon,

Ordered that the thirteenth rule be suspended, and the Joint Resolution be read a third time now;

The Joint Resolution was then read a third time and passed;

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 29, C. F., A Bill to incorporate the Du Buque Mining Company;

Was read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House accordingly; and request their concurrence.

Mr Harris from the committee on roads to whom was referred

No. 16, H. R. File, A Bill to amend certain acts, relating to roads and highways,

Reported,

No. 48, C. F., A Bill to amend certain acts relating to Highways,

As a substitute for said bill;

Which was read a first time.

On motion of Mr R. M. G. Patterson,

The Council adjourned until to-morrow morning 10 o'clock.

FRIDAY MORNING, FEBRUARY 2, 1844.

Mr Christie, from the select committee to whom was referred

The petition of sundry citizens of Scott county praying the vacation of a part of the town of Parkhurst; reported

No. 49, C. F., A bill to vacate a part of the town of Parkhurst.

Mr Elbert from the select committee to whom was referred

No. 50, H. R. File, A bill to amend an act, entitled an act, for the prevention of certain immoral practices;

Submitted the following report, viz:

Your committee find that the original bill is correct and needs no amendment, but as the printed law is incorrect, and has the certificate of the Secretary, certifying that it is a correct copy of the original,

Your committee recommend the adoption of the following amendment, viz:

Add to the first section of said bill the following: "the word years being a misprint in the act to which this is amendatory."

The bill as amended by the select committee, was read a second time.

Mr Wm Patterson moved to have said bill read a third time on to-morrow.

Pending which,

A motion was made by Mr Springer,

To lay said bill upon the table until to-morrow,

And decided in the affirmative.

No. 48, C. F., A bill to amend certain acts relating to Roads and Highways;

Was read a second time;

Mr Cook moved to amend said bill by adding the following *proviso* to the first section of said bill, to wit:

Provided the said Tax may be worked out on the public roads at the rate of one dollar per day.

Which amendment was adopted.

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Cook, from the committee on Engrossed Bills, reported as correctly Engrossed,

No. 47, C. F., Joint Resolutions relative to the University Lands of Iowa Territory.

Said Joint Resolutions were then read a third time and passed;

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

Mr Elbert, on leave being granted, introduced

No. 50, C. F., A bill to revive an act, entitled an act, to review and establish a part of a Territorial road, leading from Fort Madison in Lee county, to Iowaville in Van Buren county, approved 13th February, 1843;

Which was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Wallace from the committee on the Judiciary to whom was referred

The resolution adopted on yesterday instructing the Judiciary committee to enquire into the expediency of repealing the 17th section of an act relating to Costs and Fees, reported

No. 51, C. F., A bill to amend an act, entitled an act, concerning costs and fees;

Which was read a first and second time;

On motion of Mr W. Patterson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Gehon, on leave being granted, introduced

No. 52, C. F., Joint Resolutions relative to indexing, &c., Journals;

Which was read a first and second time.

No. 53, C. F., A Bill for an act donating to the Baptist Church of Iowa city a certain lot of ground therein named,

Being the order of the day, was taken up and considered in committee of the whole,

Mr Leffler in the Chair.

After some time spent therein, Mr President resumed the Chair, and Mr Leffler reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back without amendments.

On motion of Mr Christie,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Cook gave notice that he would on to-morrow or some day thereafter ask leave to introduce

A bill to authorize Sheriffs to make deeds for lands sold on execution under the redemption law; also,

A bill to amend the law regulating the election and duties of Sheriffs.

Mr Harris, from the select committee to whom was referred

No. 46, C. F., Joint Resolution authorizing payment to F. M. Irish, for services rendered and losses sustained in transporting specie under the authority of O. H. W. Stull, late Secretary of Iowa;

Reported the same back with the following amendment, to wit:

Provided, That the said sum of two hundred dollars shall in no event be regarded as a debt due either from the Territory or State of Iowa.

The Joint Resolution as amended was then read a second time.

On motion of Mr Harris,

Ordered, That said Resolution be engrossed and read a third time on to-morrow.

On motion of Mr Gehon,

The Council adjourned until two o'clock this afternoon.

2 o'clock, P. M.

A Message from the House of Representatives, by Mr Fales their chief clerk:

MR PRESIDENT:

The House of Representatives have passed

No. 102, H. R. File, A bill to establish the time of holding the District Courts in the several Judicial Districts in this Territory;

No. 120, H. R. File, A bill to incorporate the Jefferson Academy;

No. 34, H. R. File, A Bill amendatory of an act, entitled an act to organize, discipline and govern the Militia of this Territory;

No. 54, H. R. File, A Bill amendatory of an act, entitled an act, to provide for the election of Justices of the Peace, &c.;

No. 61, H. R. File, A bill for the improvement of sheep;

No. 78, H. R. File, A Bill to organize the county of Delaware and to provide for holding court in the same;

No. 79, H. R. File, A Bill to legalize the location of a Territorial road from Bellevue to Iowa city;

No. 87, H. R. File, A Bill for the relief of Rev. Isaac Searles, Minister of the Gospel;

No. 88, H. R. File, A Bill to legalize the acts of Justices of the Peace and Constables in certain cases;

No. 92, H. R. File, Joint Resolutions relative to the fine imposed upon Gen Jackson;

Also with amendments,

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory upon the subject of the formation of a State Government;

In all of which the concurrence of the Council is requested.

The House have receded from their amendment to,

No. 21, C. F., A Bill to incorporate the Toolsborough Manufacturing Company;

And insist upon their amendment made to,

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company,

And have concurred in the amendment made by the Council to

No. 31, H. R. File, A Bill defining the Jurisdiction of the Supreme Court and regulating the practice therein;

By amending the same.

I herewith present for your signature,

An act to organize the Counties of Keokuk and Mahaska;

An act, to amend an act, entitled an act, to authorize R. M. G. Patterson to establish and keep a ferry, across the Mississippi river, at the mouth of Nassau Slough;

Joint Resolutions upon the subject of procuring from Congress, compensation to the citizens of Iowa, for services rendered and expenses incurred in defending the southern border;

A memorial to Congress asking for an appropriation to pay the debts of previous Legislatures;

An act to establish a Territorial road from Iowaville on the Des Moines River, to the Missouri line;

An act to extend the Territorial Road from Mount Pleasant, to the Indian boundary line, *via* Autumwa, Eddysville to Lake Prairie opposite the mouth of Whitebreast, in the county of Mahaska;

An act to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison, in Lee county;

An act for the relief of Malcolm Murray, late of the firm of Murray & Sanxay;

An act to amend an act, entitled an act, to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved February 17th, 1843;

An act to locate a Territorial road from Davenport to Iowa City;

An act to allow Avery Thomas, to change his name;

An act to incorporate the subscribers for erecting a dam across the Muscatine slough;

An act to incorporate the Iowa Botanic Medical Society;

A memorial to Congress relative to granting the right of pre-emption to unsurveyed lands;

A Joint Resolution asking Congress for the establishment of a Post Route from Nauvoo to Montrose;

An act to amend an act entitled an act for the election of Constables and defining their duties, approved January 4th, 1839;

An act to incorporate the Du Buque, Clayton, Delaware and Jackson Mutual Fire Insurance Company;

All of which have been signed by the Speaker of the House of Representatives;

The House have disagreed to the amendment of the Council to

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws;

No. 102, H. R. File, A Bill to establish the time of holding the District Courts in the several Judicial Districts in this Territory,

Was read a first and second time;

On motion of Mr Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 120, H. R. File, A Bill to incorporate the Jefferson Academy,

Was read a first and second time;

On motion of Mr Leffler,

The thirteenth rule was suspended, the bill read a third time and passed;

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 34, H. R. File, A Bill amendatory of an act entitled an act to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840;

Was read a first and second time;

On motion of Mr Wallace,

Ordered, That said Bill be referred to the committee on Military Affairs.

No. 54, H. R. File, A Bill amendatory of an act, entitled an act, to provide for the election of Justices of the Peace to prescribe their powers and duties and to regulate their proceedings, approved February, 9th, 1843,

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill be referred to the committee on the Judiciary.

No 61, H. R. File, A Bill for the improvement of Sheep,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on Agriculture.

No. 78, H. R. File, A Bill to organize the county of Delaware, and to provide for holding Court in the same,

Was read a first and second time;

On motion of Mr Gehon,

Ordered, That said bill be read a third time to-morrow.

No. 79, H. R. File, A Bill to legalize the location of a Territorial road from Bellevue to Iowa City,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 87, H. R. File, A Bill for the relief of Rev. Isaac Searles minister of the gospel,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be referred to a select committee composed of the delegation from Cedar, Linn and Jones, and Johnson counties.

No. 88, H. R. File, A Bill to legalize the acts of Justices of the Peace and Constables in certain cases,

Was read a first and second time;

On motion of Mr W. Patterson,
Ordered, That said bill be referred to the committee on the Judiciary.

No. 92, H. R. File, Joint Resolutions relative to the re-payment of the fine imposed upon Gen. Jackson,

Was read a first and second time;

A motion was made by Mr Springer to lay said Resolutions upon the table subject to the order of the Council;

And decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, R. M. G. Patterson, Springer, Teas and Wallace—7.

Those who voted in the negative, were

Messrs Gehon, Harris, Jenkins, Leffler, William Patterson and Mr President—6.

No. 5, C. F. A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution, for the State of Iowa.

As amended by the House,

Was taken up, and

On motion of Mr Leffler,

Was laid upon the table subject to the order of the Council.

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company;

In which the House insist on their amendment made to said bill;

Was taken up, and

On motion of Mr Cook,

Was laid upon the table subject to the order of the Council.

No. 58, H. R. File, Joint Resolution, providing for the publication of the Laws,

In which the House insist on their disagreement to the amendments made by the Council;

Was taken up, when

Mr Leffler moved that the Council recede from their amendments;

Which was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Harris, Jenkins, Leffler, Wm Patterson and Mr President.

Those who voted in the negative, were,

Messrs Christie, Cook, Elbert, R. M. G. Patterson, Springer, Teas and Wallace.

On motion of Mr Elbert,

Ordered, That a committee of conference be appointed in relation to the disagreeing vote on said bill;

The President appointed

Messrs Elbert and Harris said committee.

A motion was made by Mr Cook to adjourn,

It was decided in the negative.

Mr Gehon, on leave being granted, introduced

No. 54, C. F., A Bill to amend an act entitled an act to provide for the annual organization of the Council and House of Representatives,

Was read a first and second time;

On motion of Mr Springer,

Ordered, That said bill be referred to the committee on the Judiciary.

On motion of Mr Gehon,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

SATURDAY MORNING, FEBRUARY 3, 1844.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

The House of Representatives have passed

No. 98, H. R. File, A bill to establish a Seminary of learning at De Witt, in Clinton county;

No. 101, H. R. File, A bill to amend an act, entitled an act, for the incorporation of the town of Farmington;

No. 113, H. R. File, A bill for the relief of William Parvin;

No. 35, C. F., A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello County:

No. 36, C. F., A Bill to locate a Territorial road from the old Indian boundary line in Des Moines Township in Jefferson county, to the seat of Justice in Mahaska county,

And then he withdrew.

Mr Wallace from the select committee to whom was referred,

No. 3, H. R. File, A Bill to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river, in Henry county,

Reported the same back without amendment and recommend its passage.

Mr Cook, from the committee on engrossed bills, reported as correctly engrossed;

No. 48, C. F., A Bill to amend certain acts relating to Highways; also,

No. 50, C. F., A bill to revive an act, entitled an act, to review and establish a part of a Territorial road, leading from Fort Madison in Lee county, to Iowaville in Van Buren county, approved 13th February, 1843; also,

No. 51, C. F., A bill to amend an act, entitled an act, concerning costs and fees.

Mr Cook, from the select committee to whom was referred

No. 87, H. R. File, A bill for the relief of Rev. Isaac Searles, Reported the same back without amendment, and recommend its passage.

Mr Jenkins from the committee on Agriculture, to whom was referred

No. 61, H. R. File, A bill for the improvement of Sheep;

Reported the same back without amendment and recommend its passage.

Mr Teas from the select committee to whom was referred

No. 41, H. R. File, A Bill to organize the county of Wapello;

Reported the same back with the following amendment to the 14th section of said bill, viz:

Strike out after the word determination in the fourth line, the words, "the shall be committed to writing," in the fourth and fifth lines, and insert in lieu thereof the words, "they shall commit to writing the place so selected with a particular description thereof."

No. 49, C. F., A bill to vacate a part of the town of Parkhurst.

Was read a second time;

On motion of Mr Christie,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 78, H. R. File, A bill to organize the county of Delaware and provide for holding court in the same,

Was read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 52, C. F., Joint Resolution relative to indexing, &c., Journals;

Was read a third time;

On motion of Mr Springer,

Ordered, That said Joint Resolution be laid upon the table subject to the order of the Council.

No. 48, C. F., A bill to amend certain acts relating to Roads and Highways; also,

No. 50, C. F., A bill to revive an act, entitled an act, to review and establish a part of a Territorial Road leading from Fort Madison

in Lee county, to Iowaville, in Van Buren county, approved 13th February, 1843; also,

No. 51, C. F., A bill to amend an act, entitled an act, concerning costs and fees; also,

No. 61, H. R. File, A bill for the improvement of Sheep; also,

No. 87, H. R. File, A bill for the relief of Rev. Isaac Searles, minister of the Gospel,

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 31, H. R. File, A bill defining the jurisdiction of the Supreme court and regulating the practice therein;

In which the House amended the amendment made by the Council to section eleven of said bill, by striking out "twenty" and inserting in lieu thereof "fifteen," was considered,

And the question being put, will the Council concur in the amendment made by the House;

Was decided in the affirmative.

No. 98, H. R. File, A bill to establish a Seminary of learning, at De Witt, in Clinton county.

Was read a first and second time,

On motion of Mr Christie,

Ordered, That said bill be laid upon the table until Monday next.

No. 101, H. R. File, A bill to amend an act, entitled an act, for the incorporation of the town of Farmington, &c., approved January, 1841,

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 113, H. R. File, A bill for the relief of William Parvin;

Was read a first and second time;

On motion of Mr Harris,

The thirteenth rule was suspended and the bill read a third time passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

On motion of Mr Springer,

No. 50, H. R. File, A bill to amend an act entitled an act for the prevention of certain immoral practices,

Was taken from the table.

Mr Springer then offered as a substitute for said bill,

No. 57, C. F., Joint Resolution relative to the republication of a certain act;

Which was read a first time.

On motion of Mr Leffler,

No. 5, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa;

Was taken from the table.

A motion was made by Mr Elbert,
To lay said bill upon the table until next Monday week.
Which was decided in the negative.

Yeas—4,

Nays—9.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Cook, Elbert, R. M. G. Patterson and Springer.
Those who voted in the negative, were
Messrs Christie, Gehon, Harris, Jenkins, Leffler, William Pat-
terson, Teas, Wallace and Mr President.

Mr Elbert then moved to lay said bill upon the table subject to the
order of the Council.

Which was decided in the negative,

Yeas—5,

Nays—8.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Cook, Elbert, R. M. G. Patterson, and Spring-
er.

Those who voted in the negative, were
Messrs Gehon, Harris, Jenkins, Leffler, Wm Patterson, Teas,
Wallace and Mr President.

The question was then taken separately on concurring in the sev-
eral amendments made by the House to said bill.

The first and second amendments being severally read, were dis-
agreed to.

The amendment made by the House to the fifth section of said
bill, was read, and the question being put, will the Council concur
in said amendment,

It was decided in the affirmative.

Yeas—8.

Nays—5.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Elbert, Gehon, Harris, Leffler, Wm Patterson,
Springer and Mr President.

Those who voted in the negative, were

Messrs Cook, Jenkins, R. M. G. Patterson, Teas and Wallace.

The amendment made by the House to the seventh section of
said bill was then read,

And the question being put, will the Council concur in said amend-
ment,

It was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,
Those who voted in the affirmative, were

Messrs Christie, Elbert, Gehon, Harris, Leffler, Springer and Mr President.

Those who voted in the negative, were

Messrs Cook, Jenkins, Wm Patterson, R. M. G. Patterson, Teas and Wallace.

The amendment made by the House to the fourteenth section of said bill was read;

And the question being put, will the Council concur in said amendment;

It was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Harris, Leffler, Wm Patterson, and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Jenkins, R. M. G. Patterson Springer, Teas and Wallace.

Mr Elbert moved to take from the table,

No. 30, H. R. File, A Bill to enable settlers on the public lands to recover value for their improvements,

Which was decided in the negative.

On motion of Mr Wallace,

No. 80, H. R. File, A Bill to amend an act, entitled an act, to amend an act, entitled an act, for the incorporation of the town of Mount Pleasant in Henry county, &c.,

Was taken from the table,

And read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Wallace from the committee on the Judiciary, reported

No. 102, H. R. File, A Bill to establish the time of holding the District Courts in the several Judicial Districts in this Territory,

Reported the same back with amendments;

Said bill as amended was then read a second time.

On motion of Mr Cook,

The thirteenth rule was suspended the bill read a third time passed and title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 41, H. R. File, A Bill to organize the county of Wapello,

As amended by the select committee was read a second time.

Mr Cook according to previous notice, introduced

No. 55, C. F., A Bill to authorize Sheriffs to make and execute deeds for Lands sold on execution under the redemption Law; also

No. 56, C. F., A Bill amendatory to the several acts regulating the election and duties of Sheriffs.

On motion of Mr Springer,

Ordered, That the usual number of copies of each of said bills be printed.

Mr Harris from the committee of conference appointed by the Council to confer with a similar committee appointed on the part of the House of Representatives relative to the disagreeing vote of the two Houses upon

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws;

Submitted the following report, viz:

The committee of conference on the part of the Council upon the disagreeing votes of the two Houses upon Joint Resolution No. 58, relative to the printing of the laws of the present session, have had the same under consideration, jointly with the committee of the other House, and agree that the Council recede from the disagreement to the amendment of the House.

Mr Elbert from the committee of conference, appointed by the Council to confer with a similar committee appointed on the part of the House of Representatives relative to the disagreeing vote of the two Houses, upon

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws;

Having had the same under consideration, asks leave to make a minority report, recommending the Council to adhere to their amendment of the said Joint Resolution, "giving the printing, binding, &c. of the aforesaid laws to the lowest bidder,"

Mr Leffler moved that the majority report of the committee of conference be adopted.

Mr Gehon moved a call of the Council which was had;
And after a short time the absent member appearing;

On motion of Mr Gehon,

A further call of the Council was suspended.

The question was then taken upon the adoption of the majority report of the committee of conference;

And decided in the negative,

Yeas—6.

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were
Messrs Gehon, Harris, Jenkins, Leffler, William Patterson and Mr President.

Those who voted in the negative, were
Messrs Christie, Cook, Elbert, R. M. G. Patterson, Springer, Teas and Wallace.

A motion was made by Mr Wallace to take from the table
No. 19, C. F., A Bill to abolish Capital Punishment.

Pending which,

Mr Cook moved that the Council adjourn until Monday morning
10 o'clock.

Which was decided in the affirmative.

Yeas—10,

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Jenkins, Leffler, Wm Patterson,
R. M. G. Patterson, Springer, Teas and Wallace.

Those who voted in the negative, were,

Messrs Elbert, Harris, and Mr President.

The Council adjourned accordingly.

MONDAY MORNING, FEBRUARY 5, 1844.

Mr William Patterson presented the petition of sundry citizens of Lee county remonstrating against the passage of a law authorizing the location of a Territorial Road from Fort Madison in said county, to Salem in Henry county;

On motion of Mr W. Patterson,

Ordered, That said petition be referred to the committee on roads.

Mr Cook from the committee on engrossed bills, reported, as correctly engrossed;

No. 46, C. F., Joint Resolution authorizing payment to F. M. Irish, for services rendered and losses sustained in transporting specie under the authority of O. H. W. Stull, late Secretary of Iowa; also,

No. 53, C. F., A Bill for an act donating to the Baptist Church of Iowa city a certain lot of ground therein named,

No. 57, C. F., Joint Resolution relative to the republication of a certain act;

On motion of Mr Springer,

Ordered, That said Joint Resolution be engrossed and read a third time on to-morrow.

No. 49, C. F., A bill to vacate a part of the town of Parkhurst; and,

No. 3, H. R. File, A Bill to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river, in Henry county,

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 46, C. F., A Joint Resolution authorizing payment to F. M. Irish for services rendered and losses sustained in transporting specie, under the authority of O. H. W. Stull, late Secretary of Iowa;

Was read a third time.

Mr Wallace moved to lay said Joint Resolution upon the table, subject to the order of the Council;

Which was decided in the negative;

The question was then taken on the passage of said Joint Resolution;

And decided in the affirmative.

Yeas—10,

Nays—1.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Springer, Teas and Mr President.

Those who voted in the negative, were

Mr Wallace.

No. 41, H. R. File, A Bill to organize the county of Wapello;

Was taken up, and

On motion of Mr Teas,

Ordered, That the consideration of said bill be made the order of the day for Wednesday next in committee of the whole.

No. 53, C. F., A Bill for an act donating to the Baptist church of Iowa City a certain lot of ground therein named,

Was read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly, and request their concurrence.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT,

The House of Representatives have passed

No. 57, H. R. File, A bill to authorize the administrators of John Jones deceased, to make a title to certain real estate;

No. 95, H. R. File, A bill to amend an act to establish a ferry across the Mississippi river;

No. 96, H. R. File, A bill to incorporate the Mount Pleasant Collegiate Institute;

No. 97, H. R. File, A memorial to Congress for a Township of land for the Jackson county Academy;

No. 99, H. R. File, A Bill declaring a certain road therein named a public highway;

No. 103, H. R. File, A Bill to authorize the payment of the expenses of laying out a certain Territorial road;

No. 104, H. R. File, A bill to amend an act, entitled an act, to establish a Seminary of learning in Louisa;

No. 105, H. R. File, A Bill to locate a Territorial road from Iowa city to the seat of Justice of Mahaska county;

No. 106, H. R. File, a Bill to locate and establish a Territorial

road from Fort Madison in Lee county, to Salem in Henry county;

No. 107, H. R. File, A bill to legalize the location of a Territorial Road from Davenport to Belleview;

No. 109, H. R. File, A bill to lay out a Territorial road from Bennett's mill in Buchanan county to or near Wm Myers in Du Buque county;

No. 110, H. R. File, A memorial to Congress for the establishment of a Mail route from Galena, Illinois, via Belleview to Iowa City;

No. 116, H. R. File, A Bill to lay out and establish a Territorial road from the Cedar rapids in Linn county, to the Wapsipinecon in Buchanan county;

No. 118, H. R. File, A Bill to locate a Territorial road from Deeds Mills in Jefferson county, to Crippin's mills in Washington county;

No. 119, H. R. File, A Bill amendatory of an act entitled an act, for the relief of the Poor;

No. 37, C. F., A Bill to locate a Territorial Road from a certain point in Muscatine county to the Rapids on Cedar River in Linn county;

No. 39, C. F., A bill to incorporate the board of Trustees of the Congregational Church and Society of Burlington;

No. 42, C. F., A Bill to establish a road from John Scott's farm on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington;

Also, with amendments,

No. 15, C. F., A bill to encourage the destruction of wolves;

No. 38, C. F., A bill to locate a Territorial road from the southern line of Davis county to the northern line of Wapello county;

I herewith present for your signature,

Joint Resolutions for the establishment of certain Post Routes;

An act to incorporate the Grandview Literary and Philosophical Society of Louisa county;

An act to locate and establish a Territorial road from Brighton in Washington county, to the county seat of Mahaska;

An act to legalize the acts of James T. Harden, Recorder of Jefferson county;

An act to incorporate the Jefferson Academy;

An act relative to Religious Societies;

All of which have been signed by the Speaker of the House of Representatives;

And then he withdrew.

The President then signed the foregoing entitled Acts and Joint Resolution.

No. 57, H. R. File, A bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county;

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to a select committee of three,
Messrs Springer, Wallace and Christie, were appointed said committee.

No. 95, H. R. File, A Bill to amend an act, entitled an act, to establish a ferry across the Mississippi river in this Territory, approved January 18th, 1838.

Was read a first and second time;

Mr Christie, asked the unanimous consent of the Council to amend the first section of said bill by inserting after the word "hogs" the words "or other property," which consent was granted.

And said bill was then ordered to a third reading on to-morrow.

No. 96, H. R. File, A bill to incorporate the Mount Pleasant Collegiate Institute;

Was read a first and second time;

On motion of Mr Wallace,

Ordered, That said bill be referred to a select Committee of three,

Messrs Wallace, Teas and Elbert, were appointed said committee.

No. 97, H. R. File, A memorial to Congress for a Township of land for the Jackson county Academy.

Was read a first and second time;

On motion of Mr Wallace,

The thirteenth rule was suspended, the Memorial read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 99, H. R. File, A bill declaring a certain road therein named a public highway.

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be read a third time to-morrow.

No. 103, H. R. File, A bill to authorize the payment of the expenses of laying out a certain Territorial road;

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be laid upon the table,

No. 104, H. R. File, A bill to amend an act, entitled an act, to establish a Seminary of learning in Louisa county;

Was read a first and second time;

No. 105, H. R. File, A bill to locate a Territorial road from Iowa City to the Seat of Justice of Mahaska county;

Was read a first and second time;

On motion of Mr Springer,

Ordered, That said bill be referred to the committee on roads.

No. 106, H. R. File, A bill to locate and establish a Territorial road from Fort Madison in Lee county, to Salem in Henry county;

Was read a first and second time;

On motion of Mr Wm Patterson,

Ordered, That said Bill be referred to the committee on roads.

No. 107, H. R. File, A bill to legalize the location of a Territorial road from Davenport to Belleview;

Was read a first and second time;

On motion of Mr Christie,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 109, H. R. File, A bill to lay out a Territorial road from Bennett's mill, in Buchanan county, to or near Wm Myer's, in Du Buque county;

Was read a first and second time;

On motion of Mr Elbert,

Ordered, That said bill be read a third time on to-morrow.

No. 110, H. R. File, A memorial to Congress for the establishment of a mail route from Galena, Illinois, *via* Belleview, to Iowa City;

Was read a first and second time;

On motion of Mr Christie,

Ordered, That said memorial be read a third time on to-morrow.

No. 116, H. R. File, A bill to lay out and establish a Territorial Road from the Cedar rapids, in Linn county, to the rapids on the Wapsipinecon, in Buchanan county,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be read a third time on to-morrow.

No. 118, H. R. File, A bill to locate a Territorial road from Deed's mills, in Jefferson county, to Crippin's mill in Washington county;

Was read a first and second time;

On motion of Mr Springer,

Ordered, That said bill be referred to the committee on Roads.

No. 119, H. R. File, A bill amendatory of an act, entitled an act, for the relief of the poor, approved February 16th, 1842;

Was read a first and second time,

On motion of Mr Elbert,

Ordered, That said bill be referred to the committee on Territorial Affairs.

No. 15, C. F., A Bill to encourage the destruction of Wolves,

In which the House amended the first section, was taken up, considered, and the amendments concurred in.

No. 38, C. F., A Bill to locate a Territorial road from the southern line of Davis county, to the northern line of Wapello county;

In which the House amended the third section, was also taken up, and considered, and the amendment concurred in.

On motion of Mr Cook,

No. 30, C. F., A Bill to incorporate the Wapsipinecon mill company,

Was taken from the table,

On motion of Mr Cook,

Ordered, That a committee of conference be appointed on the part of the Council to act with a similar committee to be appointed on the part of the House in relation to the disagreeing vote on said bill,

Messrs Cook and Springer were appointed said committee.

On motion of Mr Elbert,

No. 101, H. R. File, A bill to amend an act, entitled an act, for the incorporation of the town of Farmington, &c., approved January, 1841,

Was taken from the table,

Read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House accordingly.

Mr Wm Patterson, on leave being granted, introduced,

No. 58, C. F., A bill to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river.

Which was read a first and second time;

On motion of Mr W. Patterson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr W. Patterson,

Ordered, That the Council adjourn until to-morrow morning 10 o'clock.

TUESDAY MORNING, FEBRUARY 6, 1844.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

Mr PRESIDENT:

The House of Representatives have receded from their amendments disagreed to by the Council to

No. 5, C. F., A Bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution, for the State of Iowa.

The House have adhered to their disagreement to the amendment of the Council to

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws,

And have appointed

Messrs McCleary and Grimes, a second committee of conference in relation thereto.

Mr R. M. G. Patterson, presented the petitions of sundry citizens of Keokuk in Lee county, praying for the passage of an act of incorporation for the town of Keokuk;

Also, petitions from sundry citizens of Keokuk remonstrating against the passage of such act of incorporation.

On motion of Mr R. M. G. Patterson,

Said petitions and remonstrances were referred to the delegation from Lee county.

Mr Wallace from the select committee to whom was referred

No. 96, H. R. File, A bill to incorporate the Mount Pleasant Collegiate Institute,

Reported the same back without amendments and recommend the indefinite postponement thereof.

Mr Wm Patterson from the committee on Territorial Affairs, to whom was referred

No. 119, H. R. File, A Bill amendatory of an act entitled an act, for the relief of the Poor, approved February 16, 1842,

Reported the same back without amendments, and recommend its passage.

Mr Elbert from the committee on enrolled bills, reported as correctly enrolled

An act to locate a territorial Road from the Old Indian boundary line in Des Moines Township, in Jefferson county, *via* Agency City to the Seat of Justice of Mahaska county; also

An act to locate a Territorial road from Iowaville, in Van Buren county, to Autumwa, in Wapello county; also

An act to incorporate the Toolsborough Manufacturing Company.

Mr Cook, from the committee on Engrossed Bills, reported as correctly Engrossed,

No. 57, C. F., Joint Resolution relative to the republication of a certain act; also

No. 58, C. F., A bill to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river.

The question was then taken on indefinitely postponing

No. 96, H. R. File, A Bill, to incorporate the Mount Pleasant Collegiate Institute;

And decided in the affirmative.

No. 55, C. F., A Bill to authorize Sheriffs to make and execute deeds for Lands sold on execution under the redemption Law,

Was read a second time;

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 56, C. F., A Bill amendatory to the several acts regulating the election and duties of Sheriffs,

Was read a second time;

On motion of Mr Cook,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 95, H. R. File, A bill to amend an act to establish a ferry across the Mississippi river;

Was read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 99, H. R. File, A Bill declaring a certain road therein named a public highway,

Was read a third time;

On motion of Mr Elbert,

Ordered, That said Bill be referred to the committee on roads.

No. 104, H. R. File, A bill to amend an act, entitled an act, to establish a Seminary of learning in Louisa county,

Was read a third time;

On motion of Mr Springer,

Said bill was laid upon the table until to-morrow.

No. 110, H. R. File, A memorial to Congress for the establishment of a Mail route from Galena, Illinois, via Belleview to Iowa City; also

No. 116, H. R. File, A Bill to lay out and establish a Territorial road from the Cedar rapids in Linn county, to the Wapsipinecon in Buchanan county; also

No. 57, C. F., Joint Resolution relative to the republication of a certain act; also

No. 58, C. F., A Bill to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river; also

No. 119, H. R. File, A Bill amendatory of an act entitled an act for the relief of the poor,

Were severally read a third time, passed and titles agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Wallace moved to take from the table,

No. 19, C. F., A Bill to abolish Capital Punishment;

Which was decided in the negative.

On motion of Mr Cook,

No. 103, H. R. File, A Bill to authorize the payment of the expenses of laying out a certain Territorial road;

Was taken from the table,

And read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Springer, from the select committee to whom was referred

No. 57, H. R. File, A bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county;

Reported the same back without amendments, and recommend its passage.

Said bill was then read a third time, passed and title agreed to.

On motion of Mr Springer,

No. 19, C. F., A bill to abolish Capital Punishment,

Was taken from the table;

Mr Wallace moved to have said bill engrossed and read a third time on to-morrow.

Pending which,

A motion was made by Mr Springer,

To lay said bill upon the table,

And decided in the affirmative.

Mr Teas presented the petition of sixty-five citizens of Jefferson county and forty-six citizens of Henry county, praying the passage of a law making Skunk River the dividing line between said counties.

On motion of Mr Teas,

Ordered, That said petitions be referred to the delegation from Jefferson and Henry counties.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 54, H. R. File, A Bill amendatory of an act, entitled an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings, approved February 9th, 1843,

Reported the same back with sundry amendments;

On motion of Mr Springer,

Ordered, That the consideration of said bill be made the order of the day for to-morrow in committee of the whole.

Mr Teas on leave being granted, introduced

No. 59, C. F., A bill to legalize the acts of George H. Jennison, a Justice of the Peace in Jefferson county.

On motion of Mr Teas,

Ordered, That said bill be referred to the committee on the Judiciary.

On motion of Mr Springer,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, FEBRUARY 7, 1844.

Mr William Patterson presented the petitions of sundry citizens of Lee county remonstrating against the location of a Territorial Road from Fort Madison to Salem in Henry county.

On motion of Mr W. Patterson,

Said remonstrances were referred to the committee on roads.

Mr William Patterson presented the petition and remonstrance of sundry citizens of Fort Madison, in Lee county, praying for the repeal of the act incorporating said Town, approved February 17th, 1842.

On motion of Mr W. Patterson,

Said Petitions and Remonstrances, were referred to a select committee of three;

Messrs William Patterson, Wallace, and Elbert were appointed said committee.

Mr Elbert from the committee on Enrolled Bills, reported as correctly enrolled:

An act to locate a Territorial road from a certain point in Muscatine county therein named, to the rapids on Cedar river, in Linn county: also,

An act to encourage the destruction of Wolves; also,

An act to establish and locate a road from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington, at, or near, the residence of Phineas Hunt.

Mr Wallace from the committee on the Judiciary, to whom was referred

No. 88, H. R. File, A Bill to legalize the acts of Justices of the Peace and constables in certain cases,

Reported the same back without amendments, and recommend its passage.

No. 109, H. R. File, A bill to lay out a Territorial road from Bennett's mill, in Buchanan county, to or near Wm Myer's, in Du Buque county;

Was read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs, was read a third time.

On motion of Mr Elbert,

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 88, H. R. File, A bill to legalize the acts of Justices of the Peace and Constables, in certain cases,

Was read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House accordingly.

No. 41, H. R. File, A bill to organize the county of Wapello,
Being the order of the day, was taken up and considered in Committee of the Whole,

Mr Cook in the Chair—

After sometime spent therein, Mr President resumed the Chair, and Mr. Cook reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with sundry amendments, and ask the concurrence of the Council;

And the question being put,

Will the Council concur in the amendments?

It was agreed to.

On motion of Mr Teas,

Ordered, That said bill be read a third time on to-morrow.

A message from the House of Representatives by Mr Fales, their chief Clerk,

Mr PRESIDENT:

I herewith present for your signature,

An act to amend an act entitled an act for the incorporation of the Town of Mount Pleasant, in Henry county;

An act to organize the county of Delaware, and to provide for holding Court in the same;

An act defining the jurisdiction of the Supreme Court, and regulating the practice therein;

An act for the relief of Rev. Isaac Searles;

An act for the improvement of Sheep;

An act for the relief Wm Parvin, Collector of Muscatine county;

An act to incorporate the Toolsborough Manufacturing Company;

An act to locate a Territorial Road from the old Indian boundary line in Des Moines township in Jefferson county, *via* Agency city to the seat of Justice of Mahaska county;

An act to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello county;

All of which have been signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the foregoing entitled acts.

No. 54, H. R. File, A bill amendatory of an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843,

Being the order of the day, was taken up and considered in Committee of the Whole,

Mr Leffler in the Chair.

After some time spent therein, Mr President resumed the Chair, and Mr Leffler reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back with sundry amendments, and ask the concurrence of the Council.

On motion of Mr Christie,

Ordered, That said bill be laid upon the table until to-morrow.

A motion was made by Mr Wallace to take from the table No. 19, C. F., A bill to abolish Capital Punishment, Which was decided in the affirmative,

Yeas—11,

Nays—1.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Harris, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Teas, Wallace and Mr President.

In the negative, Mr Springer.

Mr Springer moved to indefinitely postpone said bill.

And the question being put,

It was decided in the affirmative.

Yeas—7,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Leffler, Wm Patterson, R. M. G. Patterson, Springer, and Mr President.

Those who voted in the negative, were

Messrs Christie, Harris, Jenkins, Teas and Wallace.

Mr Elbert, on leave being granted, introduced

No. 60, C. F., A bill to change the name of Appanoose county,

Which was read a first and second time.

On motion of Mr Cook,

The consideration of said bill was made the order of the day for to-morrow, in Committee of the Whole.

On motion of Mr Wm Patterson,

The Council adjourned until to-morrow morning, 10 o'clock.

THURSDAY MORNING, FEBRUARY 8, 1844.

On motion of Mr Christie,

Resolved, That the Secretary of the Council, the assistant Secretary, the Sergeant at Arms, Messenger and Fireman, be allowed the

sum of three dollars per day for their services during the present session;

Which was adopted.

Mr Elbert from the committee on enrolled bills, reported

That they did on the 5th inst. present to the Governor for his signature,

A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa for services rendered and expenses incurred in defending the southern border of the Territory of Iowa; also,

An act to authorize Guy Wells and James Wilson to establish and keep a ferry across the Mississippi River at Fort Madison in Lee county; also,

An act entitled an act to authorize R. M. G. Patterson, to keep a ferry across the Mississippi River at the mouth of Nassau Slough.

Also,

That they did on the 7th inst. present to the Governor for his signature,

An act to locate a Territorial Road from Iowaville in Van Buren county to Autumwa in Wapello county;

Also,

An act to incorporate the Toolsborough Manufacturing company;

Also,

An act to locate a Territorial Road from the Old Indian Boundary line, in Des Moines Township in Jefferson county, via Agency City to the seat of Justice of Mahaska county.

Mr Elbert from the same committee reported as correctly enrolled,

An act to locate a Territorial Road from the southern line of Davis county to the Northern line of Wapello county;

Also,

An act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington;

Also,

An act to provide for the expression of the opinion of the people of the Territory of Iowa upon the formation of a State Government for the State of Iowa.

Mr Harris from the committee on roads to whom was referred

No. 118, H. R. File, A bill to locate a Territorial road from Deed's mill, in Jefferson county, to Crippin's mill in Washington county;

Also,

No. 105, H. R. File, A Bill to locate a Territorial road from Iowa city to the seat of Justice of Mahaska county;

Reported the same back without amendments, and recommend their passage.

No. 41, H. R. File, A Bill to organize the county of Wapello;

Also,

No. 105, H. R. File, A Bill to locate a Territorial Road from Iowa City to the seat of Justice of Mahaska county;

Also,

No. 118, H. R. File, A Bill to locate a Territorial Road from Deed's Mill in Jefferson county, to Crippin's Mill in Washington county;

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 60, C. F., A Bill to change the name of Appanoose county; Being the order of the day, was taken up and considered in committee of the whole.

Mr Teas in the chair;

After some time spent therein, Mr President resumed the Chair, and Mr Teas reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same back without amendments.

Mr Teas moved to amend the second section of said bill, by adding thereto the following, viz:

And that the name of the county of Kishkakosh be and the same is hereby changed to the name of Harrison, and shall hereafter be known and called by that name;

Which was adopted.

On motion of Mr Cook,

Ordered, That said bill be engrossed and read a third time on tomorrow.

On motion of Mr Wallace,

No. 99, H. R. File, A bill declaring a certain road therein named a public highway,

Was taken from the table;

On motion of Mr Wallace,

The second section of said bill was amended in the sixth line, by striking out the words "thence due west one mile."

On motion of Mr Wallace,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 54, H. R. File, A bill amendatory of an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843,

Being taken up,

A motion was made by Mr Teas,

That the Council do concur in the amendments made to said bill on yesterday in committee of the whole,

And decided in the affirmative.

Mr Springer moved to amend the last section of said bill by striking out "20th day of March" and inserting "1st day of June."

Mr Teas called for a division of the question, which was had.

And the question being taken on striking out,
Was decided in the negative.

A motion was made by Mr Christie,
To read said bill a third time on to-morrow;
And the question being put,
It was decided in the affirmative.

Yeas—10.

Nays—1.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Elbert, Harris, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Teas, Wallace and Mr President.

In the negative, Mr Springer.

Mr Leffler moved that a second committee of conference be appointed by the Council to act with a similar committee appointed on the part of the House, in relation to the disagreeing vote of the two Houses to

No. 58, H. R. File, Joint Resolution providing for the publication of the Laws;

Which was decided in the negative.

Mr Teas gave notice that he would on some future day introduce a Joint Resolution relative to the publication of the Laws.

Mr Leffler from the committee on the Judiciary to whom was referred

No. 69, H. R. File, A bill to punish the obstructing Public Roads, &c.;

Reported the same back without amendments, and recommend it be laid over until to-morrow.

Mr Wallace, from the committee on the Judiciary to whom was referred

No. 59, C. F., A bill to legalize the acts of George H. Jennison, a Justice of the Peace in Jefferson county,

Reported the same back without amendments, and recommend its passage.

Said bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

On motion of Mr Christie,

No. 74, H. R. File, Joint Resolutions relative to Mail Routes No. 4228 and 4506,

Was taken from the table,

Read a third time and passed.

Mr Wm Patterson gave notice that he would on to-morrow or some future day ask leave to introduce a bill to change a certain road in Lee county.

On motion of Mr R. M. G. Patterson,

The Council adjourned until to-morrow morning 10 o'clock.

FRIDAY MORNING, FEBRUARY 9, 1844.

Mr Cook presented the petition of sundry citizens of Cedar county, praying the passage of a law legalizing the location of a certain Road,

Which petition,

On motion of Mr Cook,

Was referred to a select committee composed of the Delegation from Cedar, Linn and Jones, and Johnson counties.

Mr Harris presented the petition of sundry citizens of Iowa City, praying the privilege of using a room in the basement story of the Capitol for an engine house;

On motion of Mr. Harris,

Ordered, That said petition be referred to the Committee on Public Buildings.

Mr Elbert presented the petition of sundry citizens of Van Buren and Davis counties, praying the location of a Territorial Road from Keosauqua in Van Buren county, to the western line of Appanoose county,

Also,

The petition of sundry citizens of Wapello and Davis counties, praying the location of a Territorial road from the Appanoose Rapids, on the Des Moines river, to the centre of Davis county.

On motion of Mr Elbert,

Ordered, That said petitions be referred to the delegation from Van Buren county.

Mr Wallace from the committee on the Judiciary, to whom was referred

No. 37, H. R. File, A bill to legalize Deeds and other Instruments of writing,

Also,

No. 55, C. F., A bill to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law,

Reported the same back without amendments and recommend their passage.

Mr. Cook from the committee on engrossed bills, reported as correctly engrossed,

No. 60, C. F., A bill to change the names of the counties of Appanoose and Kishkakosh.

Mr Wm Patterson, according to previous notice, introduced

No. 61, C. F., A bill to amend the several acts incorporating the town of Fort Madison,

Which was read a first and second time.

On motion of Mr Wm Patterson,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

Mr Harris from the committee on Roads, to whom was referred the petition and remonstrances of sundry citizens of Lee and Henry counties, relative to the location of a road from Fort Madison to Salem,

With

No. 106, H. R. File, A bill to locate and establish a Territorial road from Fort Madison in Lee county, to Salem in Henry county,

Reported the same back without amendment.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

MR PRESIDENT:

The House of Representatives have passed

No. 75, H. R. File, A bill to define lawful fences and restrain trespassing animals;

No. 91, H. R. File, A bill amendatory of an act entitled an act relative to proceedings in Chancery;

No. 94, H. R. File, A bill to amend an act entitled an act regulating mills and millers;

No. 117, H. R. File, A bill to locate a Territorial road from Brighton in Washington county, to intersect the road from Mount Pleasant to Washington.

No. 121, H. R. File, A bill to vacate a part of the town of Solon in Johnson county;

No. 122, H. R. File, A bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster street in the town of Mount Pleasant;

No. 123, H. R. File, A bill to repeal certain acts herein named;

No. 124, H. R. File, A bill for the relief of George W. Cummins;

No. 125, H. R. File, A bill to incorporate the Mount Pleasant Lyceum;

No. 132, H. R. File, A bill to perfect the collection of taxes in Louisa county;

No. 29, C. F., A bill to incorporate the Du Buque Mining Company;

No. 32, C. F., A bill to allow John Godden and others further time to construct a dam across the Des Moines river;

No. 43, C. F., A memorial to Congress for an appropriation of land to complete the Iowa Penitentiary;

No. 44, C. F., A memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City;

Also, with amendments,

No. 7, C. F., A bill to incorporate the Iowa city Manufacturing Company;

No. 9, C. F., A bill to locate a Territorial road from Keosauqua in Van Buren county, to the western line of Appanoose county.

The House have also passed,

No. 128, H. R. File, A bill to amend an act entitled an act to regulate conveyances;

No. 129, H. R. File, A bill to lay out a Territorial road from Delhi in Delaware county, to Cascade in Du Buque county;

No. 133, H. R. File, A bill to incorporate the Washington Lyceum of Jackson county;

No. 134, H. R. File, A bill to locate a Territorial road from Wilson's mills in Henry county, to Glasgow in Jefferson county;

No. 136, H. R. File, A bill to authorize the President and Trustees of the town of Bellevue to license merchants and groceries;

In all of which the concurrence of the Council is requested.

I herewith present for your signature,

An act to amend an act entitled an act for the incorporation of the town of Farmington;

An act to authorize the payment of the expenses of laying out a certain Territorial road;

An act to legalize the location of a Territorial road from Davenport to Bellevue;

An act to lay out and establish a Territorial road from the Cedar rapids in Linn county, to the rapids on the Wapsipinecon in Buchanan county;

An act to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county;

An act to amend an act entitled an act for the relief of the Poor, approved February 16th, 1842;

An act to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river in Henry county;

An act to establish and locate a road from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington;

An act to encourage the destruction of Wolves;

An act to locate a Territorial road from a certain point in Muscatine county therein named, to the rapids on Cedar river, in Linn county;

A memorial to Congress for a township of land for the Jackson county Academy;

A memorial to Congress for the establishment of a mail route from Galena, Illinois, *via* Bellevue, to Iowa city;

And then he withdrew.

The President then signed the foregoing entitled acts.

No. 54, H. R. File, A bill amendatory of an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843,

Was read a third time;

And the question being taken upon the passage of the bill,
It was decided in the affirmative,

Yeas—10,

Nays—2.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Elbert, Harris, Jenkins, Leffler, William Patterson, R. M. G. Patterson, Teas, Wallace and Mr President.

Those who voted in the negative, were

Messrs Cook and Springer.

No. 69, H. R. File, A bill to punish the obstructing the public roads, &c.;

Also,

No. 37, H. R. File, A Bill, to legalize Deeds and other instruments of writing,

Also,

No. 55, C. F., A Bill to authorize Sheriffs to make and execute deeds for Lands sold on execution under the redemption Law,

Also,

No. 60, C. F., A Bill to change the names of the counties of Appanoose and Kishkakosh;

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 106, H. R. File, A bill to locate and establish a Territorial road from Fort Madison in Lee county, to Salem in Henry county,

Was read a third time;

On motion of Mr Harris,

Ordered, That said bill be laid upon the table,

No. 75, H. R. File, A bill to define lawful fences, was read a first and second time,

On motion of Mr Harris,

Ordered, That said Bill be referred to the committee on roads.

No. 91, H. R. File, A bill amendatory of an act entitled an act relative to proceedings in Chancery, approved January 23d, 1839,

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to the committee on the Judiciary.

No. 94, H. R. File, A bill to amend an act entitled an act regulating mills and millers, approved February 3d, 1843,

Was read a first and second time;

On motion of Mr Jenkins,

Said bill was referred to a select Committee of three;

Messrs Jenkins, R. M. G. Patterson and Teas were appointed said committee.

No. 121, H. R. File, A bill to vacate a part of the town of Solon in Johnson county,

Was read a first and second time;

On motion of Mr Harris,

Said bill was ordered to a third reading on to-morrow.

No. 117, H. R. File, A bill to establish and locate a Territorial

road from Brighton in Washington county, to intersect the road from Mount Pleasant to Washington in Washington county,

Was read a first and second time;

On motion of Mr Teas,

Said bill was referred to a select committee composed of the delegation from the counties of Washington, Jefferson and Henry.

No. 122, H. R. File, A Bill to authorize the county commissioners of the county of Henry to vacate a part of Webster street, in the town of Mount Pleasant in said county,

Was read a first and second time;

On motion of Mr Wallace,

Said bill was laid on the table subject to the order of the Council.

No. 123, H. R. File, A bill to repeal certain acts therein named,

Was read a first and second time;

On motion of Mr Teas,

Said bill was referred to the committee on the Judiciary.

No. 124, H. R. File, A bill for the relief of George W. Cummins;

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be read a third time on to-morrow.

No. 125, H. R. File, A bill to incorporate the Mount Pleasant Lyceum;

Was read a first and second time;

Mr Wallace moved to amend said bill by striking out the seventh section.

And the question being taken,

It was decided in the affirmative.

On motion of Mr Wallace,

Said bill was ordered to be read a third time on to-morrow.

No. 132, H. R. File, A Bill to perfect the collection of Taxes in Louisa county,

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to a select committee of three;

Messrs Springer, Wallace and Cook, were appointed said committee.

No. 7, C. F., A bill to incorporate the Iowa City Manufacturing company,

As amended by the House, was taken up;

On motion of Mr Harris,

Ordered, That said bill be laid upon the table subject to the order of the Council.

No. 9, C. F., A bill to locate a Territorial road from Keosauqua in Van Buren county, to the western line of Appanoose county,

As amended by the House, was taken up; and

On motion of Mr Elbert,

Ordered to lay upon the table subject to the order of the Council.

No. 128, H. R. File, A bill amendatory of an act, entitled an act, to regulate Conveyances, &c.,

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 129, H. R. File, A bill to lay out a Territorial road from Delhi in Delaware county to Cascade in Du Buque county;

Was read a first and second time;

On motion of Mr Cook,

Ordered, That said bill be read a third time on to-morrow.

No. 133, H. R. File, A bill to incorporate the Washington Lyceum of Jackson county;

Was read a first and second time;

On motion of Mr Teas,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 134, H. R. File, A bill to locate a Territorial road from Wilson's Mills in Henry county to Glasgow in Jefferson county,

Was read a first and second time;

On motion of Mr Teas,

Said bill was referred to a select committee of three.

Messrs Teas, Wallace and Springer were appointed said committee.

No. 136, H. R. File, A bill to authorize the President and Trustees of the town of Belleview to license merchants and groceries,

Was read a first and second time;

On motion of Mr Wallace,

Ordered, That said bill be laid upon the table subject to the order of the Council.

Mr Teas from the committee on Military Affairs to whom was referred

No. 34, H. R. File, A Bill amendatory of an act, entitled an act to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840.

Reported the same back without amendments.

On motion of Mr Teas,

The first section of said bill was amended as follows:

By inserting in the seventh line of said bill after the word and, the words "so much of."

Said bill was then read a third time;

On motion of Mr Cox,

Ordered, That said bill be laid upon the table subject to the order of the Council.

On motion of Mr Cook,

No. 79, H. R. File, A Bill to legalize the location of a Territorial road from Belleview to Iowa city,

Was taken from the table;

Read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

The President announced communications from the Governor on Executive Business;

On motion of Mr Springer,

Ordered, That the consideration of said Executive business be made the order of the day for to-morrow.

Mr Teas gave notice that he would on to-morrow ask leave to introduce a bill to repeal an act entitled an act to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840.

On motion of Mr R. M. G. Patterson,

Ordered, That the Council adjourn until to-morrow morning, 10 o'clock.

SATURDAY MORNING, FEBRUARY 10, 1844.

Mr Elbert presented the petition of sundry citizens of Van Buren county praying the passage of a law authorizing the holders of charters for dams on the Des Moines River, to raise said dams three feet above their present height.

On motion of Mr Elbert,

Said petitions were referred to a select committee composed of the delegation from the counties of Lee, Jefferson and Van Buren.

Mr Elbert from the committee on enrolled bills, reported as correctly enrolled

An act to incorporate the Du Buque Mining Company;

Also,

An act to allow John Godden and others of Van Buren county, further time to construct a dam across the Des Moines river at Pittsburgh in said county;

Also,

A memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City;

Also,

A Memorial to Congress for an appropriation of Land to complete the Iowa Penitentiary,

Mr Elbert from the same committee reported that they did on the 9th instant present to the Governor for his approval,

An act to encourage the destruction of Wolves;

Also,

An act to locate a Territorial road from a certain point in Musca-

line county, therein named, to the rapids on Cedar river in Linn county;

Also,

An act to establish and locate a road from John Scott's farm on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington at or near the residence of Phineas Hunt.

A message from the House of Representatives by Mr Fales, their Chief Clerk,

Mr PRESIDENT:

The House of Representatives have passed

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution;

No. 139, H. R. File, A bill to form a fourth Judicial District;

No. 125, H. R. File, A bill authorizing the raising of dams on the Des Moines river;

No. 131, H. R. File, A bill for the relief of George Andrews;

No. 137, H. R. File, A bill to amend the Militia Law, so as to form a fourth division;

No. 138, H. R. File, A Joint Resolution providing seals for the Courts in the new counties;

No. 48, C. F., A bill to amend certain acts relating to roads and highways;

No. 49, C. F., A bill to vacate a part of the town of Parkhurst;

Also, with amendments,

No. 40, C. F., A bill to amend an act, entitled an act, to abolish imprisonment for debt, approved February 8th, 1843;

And then he withdrew.

Mr Jenkins, from the select committee to whom was referred

No. 94, H. R. File, A bill to amend an act, entitled an act, regulating mills and millers, approved February 3d, 1843,

Reported the same back without amendments and recommend its passage.

Mr Cook from the select committee to whom was referred

The petition of sundry citizens of Cedar county, praying the passage of a law legalizing the location of a certain road,

Reported

No. 62, C. F., A bill to legalize a road from Denson's ferry in Cedar county to the southern boundary of said county,

Which was read a first and second time;

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly and request their concurrence.

Mr Teas from the select committee to whom was referred

No. 17, H. R. File, A bill to locate and establish a Territorial

road from Brighton in Washington county to intersect the road from Mount Pleasant to Washington in Washington county;

Also,

No. 134, H. R. File, A bill to locate a Territorial road from Wilson's mills, in Henry county to Glasgow in Jefferson county,

Reported the same back with sundry amendments.

Mr Wm Patterson, according to previous notice introduced

No. 63, C. F., A bill to relocate a part of a Territorial road running from Fort Madison to Iowaville on the Des Moines river,

Which was read a first and second time;

On motion of Mr W: Patterson,

The thirteenth rule was suspended the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House accordingly and request their concurrence.

Mr Teas, according to previous notice introduced

No. 64, C. F., A bill to repeal an act, entitled an act, to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840,

Which was read a first and second time;

On motion of Mr Teas,

Said bill was laid upon the table subject to the order of the Council.

Mr Wallace, from the committee on Public Buildings to whom was referred

The petition of the members of the Iowa City Fire Company, No. 1;

Reported,

No. 65, C. F., Joint Resolution authorizing the Iowa City Fire Company, No. 1, to occupy one room in basement of Capitol;

Which was read a first time.

Mr Springer on leave being granted introduced

No. 66, C. F., A bill relative to the town plat of Fredonia, in Louisa county,

Which bill was read a first and second time;

On motion of Mr Springer,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House accordingly, and request their concurrence.

No. 121, H. R. File, A bill to vacate a part of the town of Solon in Johnson county;

Also,

No. 124, H. R. File, A bill for the relief of George W. Cummins;

Also,

No. 125, H. R. File, A bill to incorporate the Mount Pleasant Lyceum;

Also,

No. 129, H. R. File, A bill to lay out a Territorial road from Delhi in Delaware county to Cascade in Du Buque county;

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 117, H. R. File, A bill to establish and locate a Territorial road from Brighton in Washington county, to intersect the road from Mount Pleasant to Washington in Washington county,

Was read a second time as amended by the select committee.

On motion of Mr Wallace,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 134, H. R. File, A bill to locate a Territorial road from Wilson's mills in Henry county, to Glasgow in Jefferson county;

Was also read a second time as amended by the select committee;

On motion of Mr Wallace,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives by Mr Fales, their Chief Clerk.

MR PRESIDENT:

I herewith present for your signature

An act to establish the time of holding the several District courts in the several Judicial Districts in this Territory;

An act to legalize the acts of Justices of the Peace and Constables in certain cases;

An act to lay out a Territorial road from Bennett's mill, in Buchanan county to or near Wm Myer's, in Du Buque county;

An act to amend an act entitled an act to establish a ferry across the Mississippi river;

An act to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution, for the State of Iowa;

An act to locate a Territorial Road from the southern line of Davis county to the northern line of Wapello county.

The President then signed the above entitled acts.

No. 94, H. R. File, A bill to amend an act entitled an act regulating mills and millers, approved February 3d, 1843,

Was taken up, and

On motion of Mr Springer,

The Council resolved itself into a committee of the whole, for the consideration of said bill.

Mr Elbert in the chair;

And after some time spent therein, Mr President resumed the

chair, and Mr Elbert reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments, and ask the concurrence of the Council.

On motion of Mr Springer,

Said bill was indefinitely postponed.

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution;

Was read a first and second time;

On motion of Mr Teas,

Said bill was referred to the committee on the Judiciary.

No. 139, H. R. File, A bill to form a fourth Judicial District;

Was read a first and second time;

On motion of Mr Elbert,

Said bill was referred to the committee on the Judiciary.

No. 125, H. R. File, A bill authorizing the raising of dams on the Des Moines river;

Was read a first and second time;

On motion of Mr Elbert,

Said bill was referred to a select committee composed of the delegation from the counties of Lee, Jefferson and Van Buren.

No. 131. H, R. File, A bill for the relief of George Andrews;

Was read a first and second time;

On motion of Mr Springer,

Ordered, That said bill be referred to the committee on Claims.

No. 137, H. R. File, A bill to amend the Militia Law so as to form a fourth division,

Was read a first and second time;

On motion of Mr Wallace,

Said bill was referred to the committee on Military Affairs.

No. 138, H. R. File, Joint Resolution providing seals for the courts in the new counties,

Was read a first and second time;

On motion of Mr W. Patterson,

Ordered, That said Joint Resolution be referred to the committee on claims.

No. 40, C. F., A bill to amend an act entitled an act to abolish imprisonment for debt, approved February 8th, 1843,

As amended by the House, was taken up;

Mr Springer moved to refer said bill to the committee on the Judiciary,

It was decided in the negative.

A motion was then made by Mr Elbert to lay said bill upon the table, subject to the order of the Council,

Which was lost,

The question was then taken on concurring in the amendments made by the House to said bill,

And decided in the affirmative.

No. 115, H. R. File, A bill for the formation of the county of Madison,

Was read a first and second time;

On motion of Mr Wm Patterson,

Ordered, That said bill be referred to a Select committee, composed of the Delegation from Lee, Van Buren and Henry counties.

On motion of Mr Elbert,

No. 9, C. F., A bill to locate a Territorial road from Keosauqua in Van Buren county, to the western line of Appanoose county,

Was taken from the table,

Mr Elbert moved that the Council concur in the amendments made by the House to said bill,

And the question being put,

It was decided in the affirmative.

Mr Springer from the Select committee, to whom was referred

No. 132, H. R. File, A bill to perfect the collection of taxes in Louisa county;

Reported the same back with one amendment; which was adopted.

On motion of Mr Springer,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House accordingly.

The consideration of Executive business being the order of the day,

On motion of Mr Elbert,

The Council resolved itself into Executive Session,

And after some time spent therein, the Executive session rose.

On motion of Mr Jenkins,

The Council adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, FEBRUARY 12, 1844.

A Message from the House of Representatives, by Mr Fales their chief clerk:

MR PRESIDENT:

The House of Representatives have passed
No. 135, H. R. File, A bill to authorize Sheriffs and Collectors of Taxes to make deeds in certain cases;

No. 141, H. R. File, A bill to legalize the acts of John Peterson as Justice of the Peace;

No. 46, C. F., A Joint Resolution for the relief of F. M. Irish;

No. 50, C. F., A bill to revive an act to review a part of Territorial Road from Fort Madison to Iowaville;

No. 53, C. F., A bill donating to the Baptist Church of Iowa city, a certain lot of ground;

No. 58, C. F., A Bill to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river;

No. 66, C. F., A bill relative to the town plat of Fredonia, in Louisa county;

No. 143, H. R. File, A bill to lay out a Territorial road from J. H. Jenkins', in Linn county, in a direction to the city of Du Buque.

I herewith present for your signature,

An act to allow John Godden and others, of Van Buren county, further time to construct a dam;

An act to incorporate the Du Buque Mining Company;

A memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa city;

A Joint Resolution relative to mail routes, No. 4228 and 4506;

An act to locate a Territorial road from Iowa City to the seat of Justice of Mahaska county;

An act to locate a Territorial road from Deeds' mills in Jefferson county, to Crippin's mill in Washington county;

A memorial to Congress for an appropriation of land to complete the Iowa Penitentiary;

All of which have been signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the foregoing entitled acts, memorials and joint resolution.

Mr Wallace from the committee on the Judiciary, to whom was referred

No. 123, H. R. File, A bill to repeal certain acts herein named;

Also,

No. 128, H. R. File, A bill amendatory of an act entitled an act to regulate conveyances, &c.;

Also,

No. 139, H. R. File, A bill to form a Fourth Judicial District;

Reported the same back without amendments.

Mr Harris from the committee on Roads, to whom was referred

No. 75, H. R. File, A bill to define lawful fences,

Reported the same back without amendments.

Mr Elbert from the committee on Enrolled Bills, reported as correctly enrolled,

An act to abolish imprisonment for debt;

Also,

An act to locate a Territorial road from Keosauqua, in Van Buren county, to the Western line of Appanoose county;

Also,

An act to vacate a part of the town of Parkhurst;

Also,

An act to amend certain acts relating to roads and highways.

Mr Elbert from the same committee, reported that they did, on the 10th instant, present to the Governor for his approval,

An act to locate a Territorial road from the southern line of Davis county, to the northern line of Wapello county;

Also,

An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;

Also,

An act to incorporate the board of Trustees of the Congregational Church and Society, of Burlington.

Mr W. Patterson from the Select committee, to whom was referred

No. 115, H. R. File, A bill for the formation of the county of Madison,

Reported the same back with amendments.

Mr Jenkins from the Select committee, to whom was referred

No. 29, H. R. File, A Bill to organize the County of Davis and to provide for the location of the seat of Justice therein,

Reported the same back with one amendment, and recommend its passage.

Mr Elbert from the Select committee, to whom was referred

No. 126, H. R. File, A bill authorizing the raising of dams on the Des Moines river,

Reported the same back with amendments.

No. 65, C. F., Joint resolution authorizing the Iowa City Fire Company, No. 1, to occupy one room in the basement of the Capitol,

Was read a second time;

On motion of Mr Harris,

The thirteenth rule was suspended, the joint resolution read a third time, passed, and title agreed to,

Ordered, that the Secretary notify the House accordingly, and request their concurrence.

No. 29, H. R. File, A bill to organize the county of Davis, and to provide for the location of the seat of Justice therein,

Was read a second time, as amended by the Select committee.

On motion of Mr Jenkins,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

No. 115, H. R. File, A bill for the formation of the county of Madison,

Was read a second time, as amended by the Select committee;

A motion was made by Mr Springer to reinstate the twelfth section of said bill,

(Which was stricken out by the Select committee,)

And the question being put,

It was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Gehon, Leffler, Springer and Teas.

Those who voted in the negative, were

Messrs Christie, Harris, Jenkins, William Patterson, R. M. G. Patterson, Wallace and Mr President.

Mr Springer then moved to add as an additional section to said bill, the following:

That the second section of an act, approved February 13th, 1843, supplemental to an act for the relocation of the seat of Justice of Lee county, approved, January 13th, 1843, be and the same is hereby repealed,

And the question being taken on the adoption of said amendment,

It was decided in the negative,

Yeas—5,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Leffler, Springer and Teas,

Those who voted in the negative, were

Messrs Christie, Cook, Harris, Jenkins, Wm Patterson, R. M. G. Patterson, Wallace and Mr President.

On motion of Mr Wm Patterson,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives by Mr Fales their Chief Clerk.

MR PRESIDENT:

The House of Representatives have passed
No. 11, H. R. File, A bill to provide for assessing and collecting public revenue,

In which the concurrence of the Council is requested,
And then he withdrew.

No. 126, H. R. File, A bill authorizing the raising of dams on the Des Moines river,

Was read a second time as amended by the Select committee.

On motion of Mr Elbert,

The Council resolved itself into a Committee of the Whole, for the consideration of said bill,

Mr Cook in the Chair;

After some time spent therein, Mr President resumed the Chair, and Mr Cook reported,

That the committee had, according to order, had said bill under

consideration, and instructed him to report the same without amendments.

On motion of Mr Teas,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to,

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr Fales, their Chief Clerk,

MR PRESIDENT:

The House of Representatives have concurred in the sixteenth section, added by the Council to

No. 54, H. R. File, A bill amendatory of an act entitled an act to provide for the election of Justices of the Peace, &c.,

By amending the said section and have concurred in all other amendments.

No. 123, H. R. File, A bill to repeal certain acts herein named, Was taken up, and considered in Committee of the Whole,

Mr Teas in the Chair,

After some time spent therein, Mr President resumed the chair, and Mr Teas reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment, and ask the concurrence of the Council,

Mr Cook moved a call of the Council, which was had,

And after a short time the absent members appearing—

On motion of Mr Cook,

The further call of the Council was suspended,

The question was then taken on concurring in the amendment made to said bill, in Committee of the whole,

And decided in the affirmative;

Yeas—8,

Nays—5,

The yeas and nays being desired,

Those who voted in the affirmative were,

Messrs Elbert, Gehon, Harris, Jenkins, Leffler, Wm Patterson, Springer and Teas,

Those who voted in the negative, were

Messrs Christie, Cook, R. M. G. Patterson, Wallace and Mr President;

On motion of Mr Christie,

Said bill was laid upon the table until to-morrow.

Mr Wallace from the committee on the Judiciary, reported

No. 67, C. F., A bill to amend an act entitled an act relative to Coroners and their duties, approved December 23d, 1839,

Which was read a first and second time;

On motion of Mr Cook,

Said bill was referred to the committee on the Judiciary.

On motion of Mr Harris,
No. 7, C. F., A Bill to incorporate the Iowa City Manufacturing
Company;

Was taken from the table,

Mr Springer moved to amend the amendment made by the House
to the fourth section of said bill, by inserting after the word laws,
the following: "and in choosing the directors, and in all other cases
of elections;"

And the question being taken on the adoption of said amendments,
It was decided in the negative.

Yeas—5,

Nays—8.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Gehon, Leffler, Springer, Teas and Wallace.

Those who voted in the negative, were
Messrs Christie, Cook, Elbert, Harris, Jenkins, Wm Patterson,
R. M. G. Patterson and Mr President.

The question was then taken separately upon the several other
amendments made by the House to said bill;
And concurred in.

On motion of Mr Cook,
The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

No. 128, H. R. File, A bill amendatory of an act, entitled an act
to regulate conveyances, &c.

Also,

No. 139, H. R. File, A bill to form a Fourth Judicial District;

Also,

No. 75, H. R. File, A bill to define Lawful Fences;

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary notify the House of Representa-
tives accordingly.

No. 11, H. R. File, A bill to provide for assessing and collecting
Public Revenue,

Was read a first and second time;

And considered in committee of the whole,

Mr Leffler in the Chair;

After some time spent therein, Mr President resumed the Chair,
and Mr Leffler reported, that the committee had, according to order,
had said bill under consideration, and instructed him to report the
same back without amendments;

On motion of Mr Cook,

Said bill was laid upon the table until to-morrow.

A message from the House of Representatives by Mr Fales, their
Chief Clerk:

MR PRESIDENT,

I herewith present for your signature;

An act to lay out a Territorial Road from Delhi in Delaware county, to Cascade in Du Buque county.

An act to incorporate the county of Wapello.

An act to legalize Deeds, and other instruments of writing.

An act to legalize the location of a Territorial Road from Belleview to Iowa City.

An act to locate a Territorial Road from Wilson's Mills in Henry county, to Glasgow in Jefferson county.

An act declaring a road therein named a Public Highway.

An act for the relief of George W. Cummins.

An act to vacate a part of the town of Solon in Johnson county.

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the foregoing entitled acts.

No. 135, H. R. File, A bill to authorize Sheriffs and Collectors of Taxes to make deeds in certain cases,

Was read a first and second time;

On motion of Mr Wm Patterson,

Said bill was referred to the committee on the Judiciary.

No. 141, H. R. File, A bill to legalize the acts of John Peterson as Justice of the Peace,

Was read a first and second time;

On motion of Mr Teas,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

No. 143, H. R. File, A bill to lay out a Territorial Road from J. H. Jenkins' in Linn county, in a direction to the city of Du Buque,

Was read a first and second time;

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 54, H. R. File, A bill amendatory of an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843,

In which the House amended the amendment made by the Council to section sixteen of said bill;

Was taken up and considered, and the amendment concurred in.

On motion of Mr Wallace,

No. 122, H. R. File, A bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster street in the town of Mount Pleasant in said county;

Was taken from the table;

Read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

Mr Cook from the committee on the Judiciary to whom was referred

No. 56, C. F., A Bill amendatory to the several acts regulating the election and duties of Sheriffs,

Reported the same back without amendments.

Said bill was then read a third time;

A motion was made by Mr Elbert to indefinitely postpone said bill;

And the question being put,

It was decided in the affirmative,

Yeas—8,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Harris, Leffler, Wm Patterson, R. M. G. Patterson, Teas and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Jenkins, Springer and Wallace.

On motion of Mr Elbert,

No. 30, H. R. File, A bill to enable settlers on public lands to recover value for their improvements,

Was taken from the table;

Mr Cook moved to indefinitely postpone said bill,

And the question being put,

It was decided in the negative.

Yeas—3,

Nays—10.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, R. M. G. Patterson, and Mr President.

Those who voted in the negative, were,

Messrs Christie, Elbert, Gehon, Harris, Jenkins, Leffler, Wm Patterson, Springer, Teas, and Wallace.

A motion was then made by Mr Cook to lay said bill upon the table subject to the order of the Council;

And the question being put,

It was decided in the negative.

Yeas—6.

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Gehon, Jenkins, R. M. G. Patterson, Springer and Wallace.

Those who voted in the negative, were

Messrs Cook, Elbert, Harris, Leffler, Wm Patterson, Teas and Mr President.

Mr Elbert then moved to suspend the thirteenth rule of the Council and read said bill a third time now,

And the question being put,
It was decided in the negative,

Yeas—7,
Nays—6,

The rule requiring a majority of two thirds of the members of the Council to suspend the same.

The yeas and nays being desired,

Those who voted in the affirmative, were
Messrs Christie, Elbert, Gehon, Harris, Wm Patterson, Wallace
and Mr President.

Those who voted in the negative, were

Messrs Cook, Jenkins, Leffler, R. M. G. Patterson, Springer
and Teas.

Mr Cook then moved to refer said bill to the committee on claims.

And the question being put,

It was decided in the negative.

Yeas—6,
Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative were

Messrs Christie, Cook, Jenkins, R. M. G. Patterson, Springer
and Wallace.

Those who voted in the negative were

Messrs Elbert, Gehon, Harris, Leffler, Wm Patterson, Teas and
Mr President;

A motion was then made by Mr Elbert to read said bill a third
time, on to-morrow,

And the question being put,

It was decided in the affirmative,

Yeas—9,
Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Elbert, Gehon, Harris, Jenkins, Leffler, Wm
Patterson, Teas and Wallace.

Those who voted in the negative, were

Messrs Cook, R. M. G. Patterson, Springer and Mr President.

The President announced communications from the Governor on
Executive business;

On motion,

The consideration of said Executive business was made the order
of the day for to-morrow.

Mr Elbert, on leave being granted,

Presented the petition of sundry citizens of Van Buren town-
ship, in Van Buren county, praying the passage of a law allowing to
said township one Justice of the peace,

On motion of Mr Elbert,

Said petition was referred to the Delegation from Van Buren
county.

On motion of Mr Gehon,

No. 34, H. R. File, A bill amendatory of an act entitled an act to organize, discipline and govern the Militia of this Territory, approved, July 31st, 1840;

Also,

No. 64, C. F., A bill to repeal an act, entitled an act, to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840,

Were taken from the table.

On motion of Mr Cox,

Said bills were referred to the committee on Military Affairs;

On motion of Mr Wallace,

Ordered, That said committee be instructed to make report on to-morrow.

On motion of Mr Cook,

The Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, FEBRUARY 13, 1844.

Mr Gehon, from the committee on the Judiciary to whom was referred

No. 34, H. R. File, A bill amendatory of an act, entitled an act, to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840;

Also,

No. 137, H. R. File, A bill to amend the Militia Law, so as to form a fourth division;

Also,

No. 64, C. F., A bill to repeal an act, entitled an act, to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840;

Reported without amendments and for the further consideration of the Council,

No. 34, H. R. File; also,

No. 137, H. R. File;

Without amendments, and recommend its passage; also,

No. 64, C. F.,

Without amendments, and consider further action thereon by the Council inexpedient.

Mr Elbert from the committee on enrolled bills, reported as correctly enrolled

An act relative to the town plat of Fredonia, in Louisa county;

Also,

A Joint Resolution for the relief of F. M. Irish;

Also,

An act to revive an act entitled an act, to review and establish a part of a Territorial road leading from Fort Madison, in Lee county to Iowaville in Van Buren county, approved Feb. 13th, 1843;

Also,

An act donating to the Baptist Church of Iowa City, a certain lot of ground therein named;

Also,

An act to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river;

Also,

An act to incorporate the Iowa City Manufacturing Company.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 67, C. F., A Bill to amend an act, entitled an act, relative to Coroners and their duties, approved December 23d, 1839;

Reported the same back without amendments, and recommend its passage.

Also,

No. 135, H. R. File, A bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases;

Report the same without amendments and recommend the indefinite postponement thereof;

Also,

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution;

Also,

No. 91, H. R. File, A Bill amendatory of an act, entitled an act, relative to proceedings in Chancery, approved January 23d, 1839;

Report the same with amendments.

A message from the House of Representatives by Mr Fales their Chief Clerk.

Mr PRESIDENT:

I am directed to inform the Council that the House of Representatives have passed

No. 148, H. R. File, A memorial to Congress asking for a change of the law, relative to the intercourse with the Indians;

No. 150, H. R. File, A bill to authorize the Judge of Probate of Linn county, to make a record of the proceedings of said court.

The House have disagreed to the striking out of the 12th section of

No. 115, H. R. File, A Bill for the formation of the county of Madison.

And have passed

No. 152, H. R. File, A Bill to incorporate the Wapsipinecon Bridge Company;

No. 151, H. R. File, A bill for assessing a Territorial Tax, and for other purposes;

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act declaring a certain road therein named a Public Highway,

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above entitled act.

Mr Cook, from the select committee to whom was referred

No. 45, C. F., A Bill to amend an act entitled an act establishing the prices of public printing,

Reported the same with one amendment.

Mr Cook, from the committee on Claims, to whom was referred

No. 131, H. R. File, A bill for the relief of George Andrews;

Reported the same back without amendments and recommend its passage.

Mr Elbert moved to reconsider the vote given on yesterday upon the indefinite postponement of

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs;

Which was agreed to.

On motion of Mr Elbert,

Said bill was referred to the committee on Finance.

No. 30, H. R. File, A bill to enable settlers on public lands to recover value for their improvements;

Was read a third time;

And the question being taken on the passage of the bill,

Was decided in the affirmative;

Yeas—9,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Elbert, Gehon, Harris, Jenkins, William Patterson, R. M. G. Patterson, Teas and Mr President.

Those who voted in the negative, were

Messrs Cook, Leffler, Springer and Wallace.

No. 34, H. R. File, A Bill amendatory of an act, entitled an act to organize, discipline and govern the Militia of this Territory, approved July 31st, 1840,

Was read a second time.

Mr Cook moved to amend the fourth section of said bill by striking out "fifty" and inserting "one hundred."

Mr Elbert called for a division of the question,

Which was had.

And the question being taken on striking out,

It was decided in the affirmative.

Yeas—8,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Jenkins, Leffler, Wm Patterson,
Springer and Wallace.

Those who voted in the negative, were

Messrs Elbert, Harris, Teas, and Mr President.

The question was then taken on inserting one hundred,

And decided in the affirmative,

Yeas—8,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Jenkins, Leffler, Wm Patterson,
Springer and Wallace.

Those who voted in the negative, were

Messrs Elbert, Harris, Teas and Mr President.

On motion of Mr Wallace,

The thirteenth rule of the Council was suspended, and the bill
read a third time.

The question was then taken upon the passage of the bill,

And decided in the affirmative;

Yeas—8,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Gehon, Jenkins, Leffler, Springer
and Wallace.

Those who voted in the negative, were

Messrs Harris, Wm Patterson, Teas, and Mr President.

No. 137, H. R. File, A bill to amend the Militia Law, so as to
form a fourth division;

Was read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House of Representatives
accordingly.No. 64, C. F., A bill to repeal an act, entitled an act, to organ-
ize, discipline and govern the Militia of this Territory, approved July
31st, 1840;

Was read a second time;

On motion of Mr Teas,

Said bill was indefinitely postponed.

No. 67, C. F., A bill to amend an act entitled an act relative
to Coroners and their duties, approved December 23d, 1839,

Was read a third time, passed, and title agreed to.

On motion of Mr Springer,

No. 104, H. R. File, A bill to amend an act entitled an act to
establish a Seminary of learning in Louisa county;

Was taken from the table;

Read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr Wallace,

The Council adjourned until two o'clock this afternoon.

2 o'clock, P. M.

No. 135, H. R. File, A bill to authorize Sheriffs and Collectors of Taxes to make deeds in certain cases,

Having been reported from the Judiciary committee, recommending the indefinite postponement thereof,

And the question being taken on concurring in the report of the Judiciary committee.

It was decided in the affirmative.

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution,

Was read a second time as amended by the Judiciary committee.

Mr Gehon moved to strike out the words "*Venditioni Exponas*" in the third section of said bill, and insert the word "*Execution.*"

A division of the question was had.

And the question being taken on striking out,

Was decided in the negative,

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to,

Ordered, That the Secretary notify the House accordingly.

A message from the House of Representatives, by Mr Fales, their Chief Clerk,

MR PRESIDENT:

The House of Representatives have passed

No. 10, H. R. File, A bill to provide for and regulate writs of error, *coram nobis*;

No. 146, H. R. File, A bill to legalize the acts of Justices of the Peace in certain cases;

No. 149, H. R. File, A bill granting license to Pedlars;

No. 155, H. R. File, A Joint Resolution to provide for the printing of the laws;

No. 156, H. R. File, A bill to authorize Boards of County Commissioners to vacate town plats;

No. 157, H. R. File, A bill to locate a Territorial road from Musquitoe Creek in Muscatine county, via Moscow, in said county;

No. 59, C. F., A bill to legalize the acts of George H. Jennison as Justice of the Peace;

No. 62, C. F., A bill to legalize a road from Denson's ferry in Cedar county to the southern boundary of said county;

No. 65, C. F., Joint resolution authorizing the Iowa City Fire

Company, No. 1, to occupy one room in the basement of the Capitol;

Also, with amendments,

No. 55, C. F., A bill to authorize Sheriffs to make and execute deeds for lands sold on execution under the redemption law;

No. 57, C. F., A Joint Resolution relative to the republication of a certain act.

The House have disagreed to the striking out of the name of John Rager, in

No. 29, H. R. File, A bill to organize the county of Davis and to provide for the location of the Seat of Justice thereof;

The House have appointed

Messrs Mitchell and Nowlin a committee of conference relative to the disagreeing vote on

A Bill to incorporate the Wapsipinecon Mill Company;

And then he withdrew.

No. 91, H. R. File, A Bill amendatory of an act, entitled an act, relative to proceedings in Chancery, approved January 23d, 1839;

Was read a second time, as amended by the committee on the Judiciary.

On motion of Mr Springer,

Said bill was laid upon the table until to-morrow.

No. 131, H. R. File, A bill for the relief of George Andrews,

Was read a second time;

On motion of Mr Harris,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

No. 45, C. F., A Bill to amend an act, entitled an act, establishing the prices of Public Printing;

Was read a second time as amended by the Select committee.

A motion was made by Mr Gehon,

To reinstate the second section of said bill,

(The same having been stricken out by the Select committee.)

And the question being taken upon said motion,

It was decided in the negative,

Yeas—6,

Nays—7.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Elbert, Gehon, Harris, Leffler and Teas.

Those who voted in the negative, were

Messrs Cook, Jenkins, William Patterson, R. M. G. Patterson, Springer, Wallace and Mr President.

Mr Gehon then moved to indefinitely postpone said bill;

And the question being put,

It was decided in the negative.

Yeas—6,

Nays—7.

The yeas and nays being desired,
Those who voted in the affirmative were
Messrs Gehon, Harris, Jenkins, R. M. G. Patterson, Springer
and Wallace.

Those who voted in the negative were
Messrs Christie, Cook, Elbert, Leffler, Wm Patterson, Teas and
Mr President.

A motion was made by Mr Cook,
To strike out 1st July, in the second section and insert 15th
June.

Which was agreed to.

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time,
passed, and title agreed to.

No. 148, H. R. File, A memorial to Congress asking for a
change of the law, relative to the intercourse with the Indians,
Was read a first and second time;

On motion of Mr Elbert,

The thirteenth rule was suspended, the bill read a third time, pass-
ed and title agreed to.

No. 150, H. R. File, A bill to authorize the Judge of Probate
of Linn county, to make a record of the proceedings of said court,
Was read a first and second time;

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time,
passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives
accordingly.

No. 115, H. R. File, A Bill for the formation of the county of
Madison,

In which the House disagreed to the amendment made by the
Council to the 12th section of said bill, was taken up;

On motion of Mr Wm Patterson,

Said bill was laid on the table until to-morrow.

No. 152, H. R. File, A Bill to incorporate the Wapsipinecon
Bridge Company;

Was read a first and second time;

On motion of Mr Cook,

Said bill was referred to a select committee of three.

Messrs Cook, Elbert and Wallace were appointed said commit-
tee.

No. 151, H. R. File, A bill for assessing a Territorial Tax, and
for other purposes;

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to the committee on Finance.

No. 55, C. F., A Bill to authorize Sheriffs to make and execute deeds for Lands sold on execution under the redemption Law,

In which the House amended said bill, by adding an additional section;

On motion of Mr Cook,

The Council concurred in the amendment made by the House to said bill.

No. 57, C. F., A Joint Resolution relative to the re-publication of a certain act,

In which the House amended the same, was taken up, considered, and the amendment concurred in.

No. 29, H. R. File, A bill to organize the county of Davis, and to provide for the location of the seat of Justice therein,

In which the House disagreed to the amendment made by the Council to the ninth section of said bill,

Was taken up;

On motion of Mr Elbert,

Said bill was laid upon the table.

No. 10, H. R. File, A bill to provide for and regulate writs of error *coram nobis*,

Was read a first and second time;

On motion of Mr Cook,

Said bill was referred to the committee on the Judiciary.

No. 146, H. R. File, A bill to legalize the acts of Justices of the Peace in certain cases,

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to the committee on the Judiciary.

No. 149, H. R. File, A bill granting License to Pedlars,

Was read a first and second time;

On motion of Mr Leffler,

Said bill was referred to the committee on Finance.

No. 155, H. R. File, A Joint Resolution to provide for the Printing of the Laws,

Was read a first and second time;

A motion was made by Mr Wallace to strike out the name of James Clarke publisher of the Iowa Territorial Gazette, and insert William Crum, publisher of the Iowa City Standard;

Mr Wm Patterson moved a call of the Council,

Which was had;

And after a short time the absent member appearing—

On motion of Mr Gehon,

The further call of the Council was suspended;

A division of the question was called for,

Which was had;

And the question being taken on striking out,

It was decided in the affirmative;

Yeas—8,

Nays—5.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Cook, Elbert, Harris, R. M. G. Patterson,
Springer, Teas and Wallace.

Those who voted in the negative, were
Messrs Gehon, Jenkins, Leffler, Wm Patterson and Mr President.

On motion of Mr Wm Patterson,
Said Joint Resolution was laid upon the table until to-morrow.
No. 156, H. R. File, A bill to authorize Boards of County Commissioners to vacate Town Plats,
Was read a first and second time;

On motion of Mr Cook,
The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

No. 157, H. R. File, A bill to locate a Territorial road from Musketoe creek in Muscatine county, *via* Moscow in said county, to Hector Sterrett's in Cedar county,
Was read a first and second time;

On motion of Mr Cook,
The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

On motion of Mr Christie,
No. 98, H. R. File, A bill to establish a Seminary of learning at Dewitt in Clinton county,
Was taken from the table,

Said bill was then read a third time, passed, and title agreed to.
Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr Wallace,
No. 11, H. R. File, A bill to provide for assessing and collecting Public Revenue,
Was taken from the table;

A motion was made by Mr Elbert,
To amend the 52nd section of said bill, by striking out 100 and inserting 50,
Which was decided in the negative.

On motion of Mr Cook,
The thirteenth rule was suspended, the bill read a third time, passed and title agreed to;
Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives by Mr Fales, their Chief Clerk:

MR PRESIDENT:

The House of Representatives have passed
No. 64, H. R. File, A bill to authorize the Territorial Agent to

sell lots in Iowa City to discharge the debt due the Miners' Bank of Du Buque.

No. 140, H. R. File, A bill to amend an act to authorize evidence by the oath of parties.

No. 160, H. R. File, A bill to revive a certain act herein named.

I herewith present for your signature

An act to amend an act entitled an act to establish a ferry across the Mississippi river.

An act to locate and establish a Territorial road from Brighton in Washington county, to intersect the road from Mount Pleasant to Washington.

An act to incorporate the Washington Lyceum in Jackson county.

An act to incorporate the Mount Pleasant Lyceum.

An act amendatory of an act, entitled an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

An act to punish the obstructing the public roads, &c.

An act authorizing the raising of dams on the Des Moines river.

An act to define lawful fences, and restrain trespassing animals.

An to authorize the county Commissioners of the county of Henry to vacate a part of Webster street in the town of Mount Pleasant.

An act to form a Fourth Judicial District.

An act to perfect the collection of taxes in Louisa county.

An act to abolish imprisonment for debt.

An act to amend certain acts relating to roads and highways.

An act to locate a Territorial road from Keosauqua in Van Buren county, to the western line of Appanoose county.

An act to vacate a part of the town of Parkhurst.

And then he withdrew.

The President then signed the foregoing entitled acts.

Mr Cook, from the committee on Finance, to whom was referred

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs,

Report the same back with amendments;

Said bill as amended by the Select Committee was then read a second time;

A motion was made by Mr Christie,

To amend the second section of said bill, by adding thereto the words "in six years,"

Which amendment was adopted;

On motion of Mr Gehon,

Said bill was referred to a select committee of three;

Messrs Gehon, Teas and Jenkins were appointed said committee.

Mr Wallace from the committee on the Judiciary to whom was referred

No. 54, C. F., A bill to amend an act, entitled an act, to provide for the annual organization of the Council and House of Representatives,

Reported the same back without amendments.

On motion of Mr Wallace,

Ordered, That said bill be read a third time on to-morrow.

Mr Elbert from the committee, on Enrolled bills reported that they did on the 13th inst. present to the Governor for his approval,

A memorial to Congress requiring the Governor and Secretary to keep their offices at Iowa City;

Also,

Memorial to Congress for an appropriation of land to complete the Iowa Penitentiary;

Also,

An act to incorporate the Du Buque Mining Company;

Also,

An act to allow John Godden and others of Van Buren county, further time to construct a dam across the Des Moines river at Pittsburg in said county.

Mr Elbert on leave being granted, introduced

No. 68, C. F., A bill to amend an act, entitled an act, to provide for the election of Justices of the Peace, &c.

Which was read a first and second time;

On motion of Mr Elbert,

The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

No. 64, H. R. File, A bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Du Buque,

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to the committee on Public Buildings.

No. 140, H. R. File, A bill to amend an act to authorize evidence by the oath of parties;

Was read a first and second time;

On motion of Mr Cook,

Said bill was referred to the committee on the Judiciary.

No. 160, H. R. File, A bill to revive a certain act herein named;

Was read a first and second time;

On motion of Mr Harris,

Said bill was referred to a select committee of three.

Messrs Harris, Gehon and Teas, were appointed said committee.

On motion of Mr Springer,

The Council resolved itself into Executive Session,

After a short time spent therein,

The Executive session rose.

On motion of Mr Gehon,

No. 136, H. R. File, A bill to authorize the President and Trustees of the town of Bellevue to license merchants and grocers;

Was taken from the table,

Said bill was then read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr Springer,
The Council adjourned until to-morrow morning 10 o'clock.

WEDNESDAY MORNING, FEBRUARY 14, 1844.

A Message from the House of Representatives, by Mr Fales their chief clerk:

MR PRESIDENT:

The House of Representatives have passed
No. 111, H. R. File, A bill amendatory of an act, entitled an act, concerning costs and fees;

No. 145, H. R. File, A bill to amend an act concerning Grand and Petit Jurors;

The House have postponed until the first Monday in August next

No. 60, C. F., A bill to change the names of the counties of Appanoose and Kishkekosh.

I herewith present for your signature;

A memorial to Congress praying for the donation of a Township of land for the support of the Iowa City College;

An act to change a part of a Territorial road running from Burlington to the mouth of the Des Moines river;

An act to revive an act entitled an act to review a part of Territorial road leading from Fort Madison to Iowaville;

A Joint Resolution for the relief of F. M. Irish;

An act donating to the Baptist Church of Iowa City a certain lot of ground;

An act relative to the town plat of Fredonia, in Louisa county;

An act to incorporate the Iowa City Manufacturing Company;

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the foregoing entitled acts, memorials and joint resolutions.

Mr Leffler moved to reconsider the vote taken on yesterday upon the passage of

No. 11, H. R. File, A bill to provide for assessing and collecting Public Revenue,

Which was had.

Mr Leffler asked the unanimous consent of the Council to amend the 69th section of said bill by offering the following as a substitute therefor, viz:

Sec. 69. Nothing in this act shall be so construed as to prevent the present Collector of Des Moines county, from collecting the tax of said county for the year 1844, he shall pay the same into the County Treasury, monthly, and shall on or before the first day of January, 1845, deliver to the Treasurer of said county, all books, papers and other property belonging to the county, in the discharge of his duties as collector, he shall be governed "so far as applicable" by the provisions of this act, he shall receive for his services four per cent. on all taxes by him collected.

The Treasurer of said Des Moines county shall receive for his services for the year 1844, one per cent. on all moneys received and one per cent. on all moneys paid out by him for the county, and after the 1st day of January, 1845, the Treasurer of said county shall be the collector as provided for by this act.

Which was adopted,

And the bill was then passed and title agreed to.

Mr Wm Patterson presented the petition of sundry citizens of Lee county, remonstrating against the passage of a law dividing said county.

On motion of Mr Wm Patterson,

Said petition was referred to the delegation from Lee county.

Mr Teas presented the account of the Post Master of Iowa City, for postage of members of the Council.

On motion of Mr Cook,

Said account was referred to the committee on Claims.

On motion of Mr Elbert,

Resolved, That the thanks of the Council are hereby tendered to the Hon. Thomas Cox, for the able, impartial and highly satisfactory manner in which he has discharged the duties of President of the Council during the present session.

Which was adopted.

On motion of Mr Cook,

Resolved, That Francis Springer be allowed three dollars per day, for thirty seven days service as President, pro tempore, of the Council, being from the 4th day of December, 1843, to January 11th, 1844, and that the Secretary of the Territory is hereby authorized and required to pay the same;

Also,

Resolved, That Thomas Cox be allowed three dollars per day for thirty-eight days service as President of the Council being from the 11th of January to the 16th February inst., and that the Secretary of the Territory is hereby authorized and required to pay the same.

Mr Teas moved to lay said resolutions upon the table.

Which was decided in the negative.

On motion of Mr Cook,

Said resolutions were referred to the committee on Finance.

Mr Gehon, from the Select committee to whom was referred
No. 56, C. F., A bill amendatory to the several acts regulating
the election and duties of Sheriffs,

Reported the same back with amendments;

Mr Elbert from the committee, on Enrolled bills reported as
correctly enrolled

An act relative to the town of Fredonia in Louisa county;

An act to legalize a road from Denson's ferry in Cedar county to
the southern boundary of said county;

An act to legalize the acts of George H. Jennison an acting Jus-
tice of the Peace in Jefferson county;

Joint resolution authorizing the Iowa City Fire Company, No. 1,
to occupy one room in the basement of the Capitol;

Joint Resolution relative to the re-publication of a certain act;

An act to authorize Sheriffs to make and execute deeds for lands
sold on execution under the redemption law.

Mr Elbert from same committee reported that they did on the
14th inst. present to the Governor for his approval,

An act to locate a Territorial road from Keosauqua in Van Buren
county, to the western line of Appanoose county.

Also,

An act to abolish imprisonment for debt.

Also,

An act to amend certain acts relating to roads and highways.

Also,

An act to vacate a part of the town of Parkhurst.

Mr Leffler from the committee on the Judiciary to whom was
referred

No. 10, H. R. File, A bill to provide for and regulate writs of
error *coram nobis*,

Reported the same back with amendments, and recommend its
passage.

Mr Leffler, from the same committee to whom was referred

No. 146, H. R. File, A bill to legalize the acts of Justices of the
Peace in certain cases;

Reported the same back without amendments, and recommend its
indefinite postponement.

Mr Harris, from the select committee to whom was referred

No. 160, H. R. File, A Bill to revive a certain act herein named;

Reported the same back without amendments and recommend its
passage.

Mr Cook, from the committee on Claims, to whom was referred

No. 138, H. R. File, Joint Resolution providing seals for the
Courts in the new counties,

Reported the same back and recommend its indefinite postpone-
ment.

Mr Cook from the Select committee to whom was referred

No. 152, H. R. File, A bill to incorporate the Wapsipinecon
Bridge Company,

Reported the same back without amendments.

Mr Cook from the committee on Finance, to whom was referred No. 149, H. R. File, A bill granting license to Pedlars;

Also,

No. 151, H. R. File, A bill for assessing Territorial Tax and for other purposes,

Reported the same back without amendments.

No. 54, C. F., A bill to amend an act, entitled an act, to provide for the annual organization of the Council and House of Representatives,

Was read a third time;

And the question being taken on the passage of the bill,

It was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Gehon, Harris, Leffler, William Patterson, Teas and Mr President.

Those who voted in the negative, were

Messrs Cook, Elbert, Jenkins, R. M. G. Patterson, Springer and Wallace.

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs;

Was read a second time as amended by the Select committee.

A motion was made by Mr Cook,

To strike out the words "has or" in the first line of 3d section.

Which was decided in the affirmative;

Mr Springer moved to strike out the word "general" in the last line of said section and insert the word "special."

Which was agreed to.

On motion of Mr Elbert,

Ordered, That said bill be engrossed and read a third time this afternoon.

No. 10, H. R. File, A bill to provide for and regulate writs of error, *coram nobis*;

Was read a second time as amended by the Judiciary committee.

Mr Gehon moved to strike out the words "*coram nobis*."

And the question being put,

It was decided in the negative.

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

No. 146, H. R. File, A bill to legalize the acts of Justices of the Peace in certain cases,

Was reported back from the committee on the Judiciary recommending it be indefinitely postponed.

On motion,

The report of the said committee was concurred in.

No. 160, H. R. File, A bill to revive a certain act herein named.

Was reported back from the select committee recommending its passage.

Said bill was then read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 138, H. R. File, A Joint Resolution providing seals for the Courts in the new counties;

Having been reported back by the committee on claims recommending its indefinite postponement.

On motion,

The report of the committee was concurred in.

No. 149, H. R. File, A bill granting license to pedlars;

Also,

No. 151, H. R. File, A bill for assessing a Territorial Tax, and for other purposes;

Were reported from the committee on Finance without amendments, who recommended the passage thereof;

Said bills were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 152, H. R. File, A Bill to incorporate the Wapsipinecon Bridge Company;

Was reported back from the Select committee without amendments,

Who recommended its passage.

Mr Harris moved to amend the second section of said bill,

Which was lost;

Mr Cook offered as an additional section to said bill, the following, viz:

Sec. Said Bridge shall be completed within one year from the date of the passage of this act, and a failure of its completion shall be deemed a violation of this incorporation,

Which was adopted.

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

On motion of Mr Wm Patterson,

No. 115, H. R. File, A Bill for the formation of the county of Madison,

In which the House disagreed to the amendment made by the Council to the 12th section of said bill,

Was taken from the table;

On motion of Mr Gehon,

The Council receded from their amendment.

No. 29, H. R. File, A bill to organize the county of Davis and to provide for the location of the Seat of Justice thereof;

In which the House disagreed to the amendment made by the Council to the ninth section of said bill,

On motion of Mr Elbert,
Was taken from the table, and
On motion of Mr Teas,
Ordered, That the Council insist upon their amendment made to
the 9th section of said bill.

Mr Harris on leave being granted, introduced
No. 69, C. F., A bill declaring the streets and alleys on the plat
of Iowa City, public highways, and for other purposes.

A motion was made by Mr Cook,
To adjourn until two o'clock this afternoon;
Which was lost.

Mr Gehon then moved that the Council adjourn until to-morrow
morning 10 o'clock;

Which was also lost.

Mr Springer then moved to lay said bill upon the table,
And the question being put,

It was decided in the negative;

The question was then taken on rejecting the bill,

And decided in the negative;

The bill was then read a second time;

Mr Cook moved to lay said bill upon the table subject to the order
of the Council,

And the question being put;

It was decided in the negative.

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the bill read a
third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives
accordingly.

On motion of Mr Cook,

The Council adjourned until 2 o'clock this afternoon.

2 o'clock, P. M.

Mr Gehon on leave being granted, introduced
No. 70, C. F., Joint Resolution relative to Mail Route No.
Which was read a first and second time;

On motion of Mr Gehon,

The thirteenth rule was suspended, the Joint Resolution read
a third time, and passed.

On motion of Mr Elbert,

No. 41, C. F., A bill to change the name of the town of Hartford
in Van Buren county,

Was taken from the table;

Mr Elbert moved to amend the first section of said bill by striking
out "Elbertville" and inserting "Flemings;"

Which was agreed to.

On motion of Mr Elbert,

The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House accordingly.

Mr Cook, from the committee on Finance to whom was referred, Resolutions authorizing pay to Francis Springer and Thomas Cox, as presiding officers of the Council,

Reported the same back with amendments.

Mr Cook from the committee on engrossed bills, reported as correctly engrossed,

No. 56, C. F., A. Bill amendatory to the several acts regulating the election and duties of Sheriffs.

Mr Elbert from the committee on enrolled bills, reported that they did on the 14th inst. present to the Governor for his approval,

Joint Resolution for the relief of F. M. Irish;

Also,

An act to revive an act, entitled an act, to review and establish a Territorial road leading from Fort Madison in Lee county, to Iowa-ville in Van Buren county; approved Feb. 13th, 1843;

Also,

An act relative to the town of Fredonia in Louisa county;

Also,

An act to change a part of the Territorial road running from Burlington to the mouth of the Des Moines river;

Also,

An act to incorporate the Iowa City Manufacturing Company;

Also,

An act donating to the Baptist Church of Iowa City a certain lot of ground.

No. 111, H. R. File, A bill amendatory to an act, entitled an act concerning costs and fees, approved, Feb. 11th, 1843,

Was read a first and second time;

On motion of Mr Gehon,

Said bill was laid upon the table.

A message from the House of Representatives, by Mr Murray their assistant Clerk,

MR PRESIDENT:

The House of Representatives have passed

No. 162, H. R. File, Memorial to the Post Master General for additional mail facilities.

I herewith present for your signature,

An act to amend the militia Law.

Memorial to Congress asking for a change of the law relative to the intercourse with the Indians.

An act to amend an act, entitled an act, to establish a Seminary of learning in Louisa county.

An act to authorize the Boards of county Commissioners to vacate town Plats.

An act to enable settlers on the Public Lands to recover value for their improvements.

An act to locate a Territorial road from Musquitoe creek in Muscatine county, *via* Moscow in said county, to Hector Sterrett's in Cedar county.

An act to establish a Seminary of learning at the town of Dewitt in Clinton county.

An act for the relief of George Andrews.

An act to legalize the acts of George H. Jennison, an acting Justice of the Peace in Jefferson county.

Joint Resolution authorizing the Iowa City Fire Company, No. 1, to occupy one room in basement of Capitol.

An act relative to the town plat of Fredonia in Louisa county.

An act legalizing a road from Denson's Ferry in Cedar county, to the southern boundary of said county.

Joint Resolution for the republication of a certain act.

An act to authorize Sheriffs to make and execute deeds for Land sold on Execution under the redemption law.

The same having been signed by the Speaker of the House of Representatives.

The House of Representatives have passed with an amendment,

No. 47, C. F., Joint Resolutions relative to the University Lands of Iowa;

And then he withdrew.

The President then signed the foregoing entitled Acts, Memorials and Joint Resolutions.

No. 145, H. R. File, A bill to amend an act concerning Grand and Petit Jurors,

Was read a first and second time;

Said bill was then considered in Committee of the Whole,

Mr Gehon in the Chair,

After some time spent therein, Mr President resumed the chair, and Mr Gehon reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same without amendments.

A message from the House of Representatives by Mr Murray, their Assistant Clerk:

MR PRESIDENT:

I am directed to inform the Council that the House have disagreed to the amendment of the Council to the 8th section of

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution,

And then he withdrew.

On motion of Mr Springer,

No. 145, H. R. File, A bill to amend an act concerning Grand and Petit Jurors,

Was referred to a select committee of three.

Messrs Springer, Teas and Gehon, were appointed said committee.

No. 162, H. R. File, Memorial to the Post Master General for additional Mail facilities,

Was read a first and second time;

On motion of Mr Christie,

The thirteenth rule was suspended, the memorial read a third time and passed,

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 47, C. F., Joint Resolutions relative to the University Lands of Iowa Territory.

In which the House amended said Joint Resolution, was taken up, considered and the amendment concurred in.

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution,

In which the House disagreed to the amendment made by the Council to the 8th section of said bill, was taken up;

On motion of Mr Teas,

Ordered, That the Council insist upon their amendment made to said bill.

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs;

Was read a third time, passed and title agreed to.

Ordered, that the Secretary notify the House accordingly, and request their concurrence.

Mr Teas presented the account of Messrs Hughs & Williams for printing done and papers furnished the Council the present session.

On motion of Mr Teas,

Said account was referred to the committee on Expenditures.

Mr Wm Patterson, on leave being granted introduced

No. 71, C. F., A bill to restore James Meredith to the right of citizenship,

Was read a first and second time;

On motion of Mr W. Patterson,

The thirteenth rule was suspended the bill read a third time passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr Murray their assistant Clerk,

MR PRESIDENT:

I am directed to inform the Council that the House have passed

No. 153, H. R. File, A bill to provide for taking the census and an extra session of the Legislative Assembly of the Territory,
And then he withdrew.

No. 153, H. R. File, A Bill to provide for taking the census and an extra session of the Legislative Assembly of the Territory;
Was read a first and second time;

A motion was made by Mr Elbert,
To go into a committee of the whole for the consideration of said bill;

Which was decided in the negative.

Mr Gehon moved to lay said bill upon the table, subject to the order of the Council;

Mr Springer moved a call of the Council,
Which was had;

And after a short time the absent member appearing—

On motion of Mr Christie,

The further call of the Council was suspended;

The question was then taken on laying said bill upon the table,
And decided in the affirmative;

Yeas—8,

Nays—5.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Gehon, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Wallace and Mr President.

Those who voted in the negative, were
Messrs Cook, Elbert, Harris, Springer and Teas.

A message from the House of Representatives by Mr Murray, their Assistant Clerk.

MR PRESIDENT:

I am directed to inform the Council that the House of Representatives have appointed Messrs Grimes and Thompson a committee of conference on the part of the House to confer with a similar committee to be appointed by the Council in relation to the disagreeing vote upon

No. 77, H. R. File, A Bill amendatory of an act subjecting real and personal estate to execution.

And then he withdrew.

On motion of Mr Elbert,

Ordered, That a committee of conference be appointed to act with a similar committee appointed by the House relative to the disagreeing vote of the two Houses upon said bill.

Messrs Elbert and Cook were appointed said committee.

Mr Cook from the committee of conference on the part of the Council, appointed to confer with a similar committee appointed on the part of the House in relation to the disagreeing vote of the two Houses upon

No. 30, C. F., A Bill to incorporate the Wapsipinecon Mill Company;

Reported,

That the committee had unanimously agreed that the House recede from its amendment, but having learned that the House had rejected the report of said committee by a vote of 19 to 6,

He moved that the Council concur in the amendments made by the House to said bill.

And the question being taken,

It was decided in the affirmative.

Yeas—10,

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Gehon, Harris, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson and Teas.

Those who voted in the negative, were

Messrs Springer, Wallace and Mr President.

Mr Elbert presented the account of Messrs Shepherd and Mitchell for papers furnished members of the Council during the present session.

On motion of Mr Elbert,

Said account was referred to the committee on Expenditures.

On motion of Mr Leffler,

No. 155, H. R. File, A Joint Resolution to provide for the Printing of the Laws,

Was taken from the table;

The question pending when said bill was laid upon the table was to fill the blank with the words "William Crum, publisher of the Iowa City Standard."

Which was decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Harris, Springer, Teas and Wallace.

Those who voted in the negative, were

Messrs Gehon, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson and Mr President.

Mr Leffler moved to amend said Resolution in the last line by striking out "12½" and inserting "10."

And the question being put,

It was decided in the affirmative.

Said resolution was then read a third time and passed.

On motion of Mr Cook,

No. 123, H. R. File, A bill to repeal certain acts therein named;

Was taken from the table;

Said bill was then read a third time, passed and title agreed to;

Ordered, That the Secretary notify the House of Representatives accordingly.

The consideration of Executive business being the order of the day,

A motion was made by Mr Springer,

To dispense with the rule requiring the Sergeant-at-arms to clear the Council during Executive sessions,

Which was agreed to.

The Council then resolved itself into Executive Session,

And after a short time spent therein,

The Executive session rose.

On motion of Mr Springer,

The Council adjourned until to-morrow morning 10 o'clock.

THURSDAY MORNING, FEBRUARY 15, 1844.

A message from the House of Representatives by Mr Murray, their Assistant Clerk:

MR PRESIDENT:

The House of Representatives have passed
No. 69, C. F., A bill declaring the streets and alleys on the plat of Iowa City, public highways.

No. 41, C. F., A bill to change the name of the town of Hartford in Van Buren county.

Also, with amendments,

No. 70, C. F., Joint Resolutions relative to a certain mail route.

No. 68, C. F., A bill to amend an act, entitled an act, to provide for the election of Justices of the Peace, &c.

The House have amended the amendments of the Council, to

No. 155, H. R. File, A Joint Resolution to provide for the printing of the laws;

Also, without amendments,

No. 63, C. F., an act to relocate a part of the Territorial road running from Fort Madison to Iowaville on the Des Moines river.

No. 142, H. R. File, A bill to amend an act, entitled an act, defining crimes and punishments, approved 16th Feb. 1843.

No. 61, C. F., A bill to amend the general acts incorporating the town of Fort Madison.

No. 164, H. R. File, A bill to lay out and establish a Territorial road from Rome in Jones county, to the Wapsipinecon Rapids in Buchanan county.

The House have indefinitely postponed

No. 71, C. F., A bill to restore James Meredith to the right of citizenship;

Also,

No. 28, C. F., A bill to amend an act, entitled an act, subjecting real and personal estate to execution;

The House have appointed

Messrs Grimes and Thompson a committee of conference on the part of the House relative to the disagreeing vote of the two Houses on

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution.

The House have amended the amendment to

No. 152, H. R. File, A bill to incorporate the Wapsipinecon Bridge Company.

The House adhere to their disagreeing vote to

No. 29, H. R. File, A bill to organize the county of Davis and to provide for the location of the Seat of Justice thereof;

And have appointed

Messrs Bonney and Brierly a committee on the part of the House to act with a similar committee on the part of the Council relative to the disagreeing vote of the two Houses;

I herewith present for your signature,

An act to lay out a Territorial Road from J. H. Jenkins' in Linn county, in a direction to the city of Du Buque.

Mr Wallace from the committee on the Judiciary, reported

No. 72, C. F., A bill to amend an act, entitled an act, for the limitation of actions and for avoiding vexatious Law suits; approved Feb. 15, 1843,

Which was read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

Mr Elbert from the committee, on Enrolled bills reported, that they did on the 15th inst. present to the Governor for his approval;

An act to authorize Sheriffs to make and execute deeds for Land sold on Execution under the redemption law;

Also,

An act to legalize the acts of George H Jennison, an acting Justice of the Peace of Jefferson county;

Also,

An act legalizing a road from Denson's Ferry in Cedar county, to the southern boundary of said county.

Also,

Joint Resolution for the republication of a certain act;

Also,

An act relative to the town plat of Fredonia in Louisa county;

Also,

Joint Resolution authorizing the Iowa City Fire Company, No. 1, to occupy one room in basement of the Capitol.

Mr Elbert from the same committee reported, as correctly enrolled,

An act to incorporate the Wapsipinecon mill company;

Also,

Joint Resolution relative to the University lands of Iowa Territory.

Mr Springer from the Select committee, to whom was referred No. 145, H. R. File, A bill to amend an act concerning Grand and Petit Jurors,

Reported the same back without amendments.

Mr Cook presented the account of Wm Crum, for printing done and papers furnished the Council during the present session;

On motion of Mr Cook,

Said account was referred to the committee on claims.

No. 145, H. R. File, A bill to amend an act concerning Grand and Petit Jurors,

Was read a second time;

On motion of Mr Gehon,

The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

No. 91, H. R. File, A Bill amendatory of an act, relative to proceedings in Chancery, approved July 23d, 1839;

Was read a second time;

On motion of Mr Wallace,

The thirteenth rule of the Council was suspended, the bill read a third time, passed and title agreed to.

No. 70, C. F., Joint Resolution relative to a certain Mail Route;

As amended by the House was taken up and the amendment concurred in.

No. 68, C. F., A bill to amend an act, entitled an act, to provide for the election of Justices of the Peace, &c.

In which the House amended the first, second and third sections of said bill,

Was taken up;

On motion of Mr Elbert,

Said bill was laid upon the table subject to the order of the Council.

No. 155, H. R. File, A Joint Resolution to provide for the Printing of the Laws,

In which the House amended the amendment made by the Council to said Joint Resolution,

Was taken up;

On motion of Mr Springer,

Resolved, That the said Joint Resolution be returned to the House of Representatives for their further consideration, because the action of the House upon the Council amendment is unparliamentary, and contrary to the rule of both Houses of the Legislative Assembly;

Mr Wm Patterson moved a call of the Council,

Which was had;
And after a short time the absent member appearing,
The further call of the Council was suspended;
The question was then taken on the adoption of the Resolution,
And decided in the affirmative.

Yeas—7,

Nays—6.

The yeas and nays being desired,
Those who voted in the affirmative, were
Messrs Christie, Cook, Gehon, Leffler, Springer, Wallace and
Mr President.

Those who voted in the negative, were
Messrs Elbert, Harris, Jenkins, William Patterson, R. M. G.
Patterson and Teas.

A message from the House of Representatives by Mr Fales their
Chief Clerk,

Mr PRESIDENT:

The House of Representatives have concurred
in the amendment of the Council to

No. 11, H. R. File, A bill to provide for assessing and collecting
public revenue, by amending the same.

The House have passed

No. 165, H. R. File, A Joint Resolution relative to the distribu-
tion of the laws of the present session.

No. 45, C. F., A Bill to amend an act, entitled an act, regulating
Marriage.

No. 89, H. R. File, A bill to amend an act, entitled an act, to
provide for the annual organization of the Council and House of
Representatives,

In which the concurrence of the Council is requested;

Mr Wallace moved to suspend the rule of the Council relative to
the reconsideration of votes,

Which was agreed to.

Mr Wallace then moved to withdraw his motion (made some days
since,) to indefinitely postpone,

No. 96, H. R. File, A bill to incorporate the Mount Pleasant
Collegiate Institute,

Which was also agreed to.

Said bill was then read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives
accordingly.

On motion of Mr Elbert,

No. 68, C. F., A bill to amend an act, entitled an act to provide
for the election of Justices of the Peace, &c.

In which the House made sundry amendments,

On motion of Mr Elbert,

Ordered, That the Council concur in the amendments made by the
House to said bill.

No. 11, H. R. File, A bill to provide for assessing and collecting Public Revenue,

In which the House have amended the amendment made by the Council to the 69th section of said bill,

Was taken up; and

On motion of Mr Leffler,

Ordered, That the Council disagree to the amendment made by the House.

A Message from the House of Representatives, by Mr Fales their chief clerk:

Mr PRESIDENT:

The House of Representatives have passed

No. 56, C. F., A bill amendatory to the several acts regulating the election and duties of Sheriffs,

Also,

No. 67, C. F., A bill to amend an act entitled an act relative to Coroners and their duties,

Also,

No. 93, H. R. File, A memorial to Congress for a donation of land for the Mount Pleasant Institute.

And then he withdrew.

No. 89, H. R. File, A Bill to amend an act, entitled an act, regulating marriages;

Was read a first and second time;

On motion of Mr Cook,

Said bill was referred to a select committee of three.

Messrs Cook, Elbert and Christie were appointed said committee.

No. 165, H. R. File, A Joint Resolution relative to the distribution of the laws of the present session,

Was read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the Joint Resolution read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 152, H. R. File, A Bill to incorporate the Wapsipinecon Bridge Company;

In which the House amended the amendment made by the Council to said bill,

Was taken up, and

On motion of Mr Cook,

The Council concurred in the amendment made by the House to said bill.

The Chair appointed Messrs Elbert and Teas a committee of conference on the part of the Council to confer with a similar committee appointed on the part of the House of Representatives relative to the disagreeing vote of the two Houses to

No. 29, H. R. File, A bill to organize the county of Davis, and to provide for the location of the seat of justice therein.

No. 142, H. R. File, A bill to amend an act, entitled an act, defining crimes and punishments, approved 16th Feb. 1843,

Was read a first and second time;

On motion of Mr Gehon,

Said bill was referred to the committee on the Judiciary.

No. 164, H. R. File, A bill to lay out and establish a Territorial road from Rome in Jones county, to the Wapsipinecon Rapids in Buchanan county,

Was read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the bill read a third time, passed and title agreed to.

A message from the House of Representatives by Mr Fales their Chief Clerk.

Mr PRESIDENT:

The House of Representatives have appointed Messrs Mitchell and Thompson a committee on the part of the House to confer with a similar committee on the part of the Council relative to the disagreeing vote of the two Houses on

No. 91, H. R. File, A bill amendatory of an act relative to proceedings in Chancery; approved January 23rd, 1839.

I herewith present for your signature,

An act granting license to Pedlars.

An act to authorize the President and Trustees of Bellevue to license Merchants and Grocers.

A Memorial to the Post Master General of the U. S. for additional mail facilities on Routes 4510 and 4509.

An act to authorize the Judge of Probate of Linn county to make a record of the proceedings of said court.

An act amendatory of an act, entitled an act, to regulate conveyances.

An act to legalize the acts of John Peterson a Justice of the Peace.

An act to revive a certain act herein named.

An act amendatory of an act, to organize, discipline, and govern the militia of this Territory.

An act to provide for and regulate writs of error *coram nobis*.

An act for assessing Territorial Tax and for other purposes.

An act to repeal certain acts herein named;

And then he withdrew.

The President then signed the foregoing entitled acts and memorial.

No. 93, H. R. File, A Memorial to Congress for a donation of land for the Mount Pleasant Institute,

Was read a first and second time;

On motion of Mr Wallace,

The thirteenth rule was suspended, the memorial read a third time and passed,

No. 159, H. R. File, an act to incorporate the town of Davenport,
Was read a first and second time;

On motion of Mr Christie,

The thirteenth rule of the Council was suspended, the bill read a third time, passed, and title agreed to.

On motion of Mr Leffler,

Ordered, That a committee of conference be appointed to act with a similar committee to be appointed on the part of the House in relation to the disagreeing vote of the two Houses upon

No. 11, H. R. File, A bill to provide for assessing and collecting Public Revenue;

Messrs Leffler and Gehon were appointed said committee.

A motion was made by Mr Gehon,

To take from the table

No. 92, H. R. File, Joint Resolutions relative to the fine imposed upon General Jackson, and

The question being put,

It was decided in the negative.

Yeas—4,

Nays—8.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Gehon, Leffler, Wm Patterson and Mr President.

Those who voted in the negative, were

Messrs Christie, Cook, Elbert, Jenkins, R. M. G. Patterson, Springer, Teas and Wallace.

A message from the House of Representatives by Mr Murray, their Assistant Clerk.

MR PRESIDENT:

The House have appointed

Messrs Grimes and Johnson a committee of conference to confer with a similar committee on the part of the Council relative to the disagreeing vote of the two Houses on the amendments to

No. 11, H. R. File, A bill to provide for assessing and collecting public revenue,

And then he withdrew.

On motion of Mr Wallace,

Ordered, That a committee of conference be appointed to act with a similar committee appointed on the part of the House in relation to the disagreeing vote of the two Houses on

No. 91, H. R. File, A bill amendatory of an act relative to proceedings in chancery, approved January 23rd, 1839;

Messrs Springer and Teas were appointed said committee.

On motion of Mr Leffler,

The Council adjourned until two o'clock this afternoon.

2 o'clock, P. M.

Mr Wallace from the committee on the Judiciary, to whom was referred

No. 140, H. R. File, A bill to amend an act to authorize evidence by the oath of parties,

Reported the same back without amendments and recommend its passage;

Said bill was then read a third time, passed and title agreed to.

A Message from the House of Representatives, by Mr Fales their chief clerk:

Mr PRESIDENT:

I am directed to return to the Council

No. 155, H. R. File, A Joint Resolution to provide for the Printing of the Laws, with a request that the Council proceed in the usual mode of reconciling disagreements between the two Houses.

I herewith present for your signature,

An act for the formation of the county of Madison.

Joint Resolution relative to the University lands of Iowa Territory.

An act to incorporate the Wapsipinecon mill company;

And then he withdrew.

The President then signed the above entitled acts and Joint Resolution.

Mr Elbert from the committee of conference appointed on the part of the Council to confer with a similar committee appointed on the part of the House, in relation to the disagreeing vote of the two Houses on

No. 77, H. R. File, A bill amendatory of an act subjecting real and personal estate to execution;

Reported substitutes for the sections disagreed to by the House,

Mr Cook moved that the Council do concur in the report of the committee;

And the question being put,

It was decided in the affirmative.

Yeas—9,

Nays—4.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Cook, Elbert, Gehon, Harris, Jenkins, William Patterson, R. M. G. Patterson, Teas and Mr President.

Those who voted in the negative, were

Messrs Christie, Leffler, Springer and Wallace.

Mr Leffler from the committee of conference on the part of the Council, appointed to act with a similar committee appointed on the

part of the House relative to the disagreeing vote of the two Houses on

No. 11, H. R. File, A bill to provide for assessing and collecting public revenue,

Reported that the committees of the two Houses had conferred together, and agreed unanimously to recommend, that the Council recede from their disagreeing vote on said bill;

In which the Council concurred.

On motion of Mr Springer,

No. 153, H. R. File, A bill to provide for taking the census, and an extra session of the Legislative Assembly of the Territory,

Was taken from the table;

Mr Leffler offered as an amendment to the fourth section of said bill the following, viz:

Provided, That Congress shall before that time make an appropriation to defray the expenses of said session or otherwise legalize the holding of said session,

Which was adopted.

On motion of Mr Springer,

The thirteenth rule was suspended, the bill read a third time, passed, and title agreed to.

No. 155, H. R. File, A Joint Resolution to provide for the Printing of the Laws,

In which the House amended the amendment made by the Council to said Joint Resolution,

Was taken up;

Mr Harris moved a call of the Council,

Which was had;

And after a short time the absent members appearing,

On motion of Mr Harris,

The further call of the Council was suspended;

Mr Springer moved to lay said Joint Resolution upon the table.

And the question being put,

It was decided in the affirmative.

Yeas—8,

Nays—5.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Gehon, Jenkins, Leffler, Springer, Teas and Wallace.

Those who voted in the negative, were

Messrs Elbert, Harris, Wm Patterson, R. M. G. Patterson and Mr President.

Mr Cook on leave being granted, introduced

No. 73, C. F., Joint Resolution authorizing the Secretary of the Territory to contract for printing the Laws of the present session;

Which was read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the Joint Resolution read a third time and passed.

Mr Wallace from the committee on Public Buildings to whom was referred

No. 64, H. R. File, A bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Du Buque.

Reported the same back with one amendment;

Mr Springer moved to amend the first section of said bill by striking out all that part of the same which makes the Miners' Bank of Du Buque a preferred creditor,

Which was adopted.

Mr Leffler moved to strike out the fifth section of said bill as reported by the committee on Public Buildings,

Which was agreed to.

A motion was then made by Mr Gehon,

To strike out that part of the bill that authorizes the sale of lots at private sale, (it being the 5th section of the original bill.)

And the question being put,

It was decided in the affirmative.

Mr Harris moved a suspension of the thirteenth rule of the Council,

Which was lost;

On motion of Mr Cook,

Ordered, That said bill be read a third time on to-morrow.

Mr Elbert from the committee on Enrolled bills, reported as correctly enrolled,

An act to amend an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843;

Also,

An act to amend an act, entitled an act, to provide for the annual organization of the Council and House of Representatives,

Also,

An act to amend an act entitled an act establishing the prices of Public Printing;

Also,

An act amendatory to the several acts regulating the election and duties of Sheriffs;

Also,

An act to amend an act entitled an act relative to Coroners and their duties;

Also,

An act declaring the streets and alleys on the plat of Iowa City, public highways and for other purposes;

Also,

An act to change the name of the town of Hartford in Van Buren county;

Also,

An act to relocate a part of the Territorial road running from Fort Madison to Iowaville on the Des Moines river;

Also,

An act to amend the several acts incorporating the town of Fort Madison.

Mr Springer from the committee of conference on the part of the Council, appointed to confer with a similar committee appointed on the part of the House relative to the disagreeing vote of the two Houses, upon

No. 91, H. R. File, A bill amendatory of an act relative to proceedings in Chancery, approved January 23d, 1839.

Report that the committees of conference have conferred together and agreed to report that the Council recede from its disagreement.

Which report was concurred in.

Mr Elbert from the committee of conference on the part of the Council appointed to confer with a similar committee on the part of the House, relative to the disagreeing vote of the two Houses upon

No. 29, H. R. File, A bill to organize the county of Davis, and to provide for the location of the seat of Justice therein,

Reported,

That the committees have had a conference and agreed unanimously to strike out the name of John Rager in said bill and insert the name of John Brown.

Which report was concurred in by the Council.

The President announced communications from the Governor on Executive business.

On motion of Mr Wm Patterson,

The Council resolved itself into Executive Session,

And after a short time spent therein,

The Executive session rose.

A message from the House of Representatives by Mr Fales their Chief Clerk:

MR PRESIDENT:

The House of Representatives have passed

No. 166, H. R. File, A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other puposes.

Also, with an amendment,

No. 73, C. F., A Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws.

I herewith present for your signature

An act to provide for assessing and collecting Public Revenue;

Also,

An act to amend an act entitled an act concerning Grand and Petit Jurors;

And then he withdrew.

The President then signed the foregoing entitled acts.

No. 166, H. R. File, A bill to provide for the compensation of members and officers of both Houses of the present session and for other purposes,

Was read a first and second time;

On motion of Mr Springer,

Said bill was referred to the committee on Claims.

No. 73, C. F., A Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws,

To which the House made the following amendment: insert after the word "contract" the words "with Hughs & Williams, James Clarke or John B. Russell,"

Was taken up.

A motion was made by Mr Elbert,

To amend the amendment by adding thereto the name of William Crum;

Mr Springer moved further to amend by adding the name of James G. Edwards.

Which was lost.

Mr Wm Patterson then moved to add thereto the name of R. W. Allbright.

Mr Leffler moved to amend said amendment by adding thereto the following: "Wm Crum, R. W. Allbright or any other editor in this Territory;"

And the question being taken on the adoption of the amendment, It was decided in the affirmative.

Yeas—10,

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Christie, Cook, Elbert, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Springer, Teas and Wallace.

Those who voted in the negative, were Messrs Gehon, Harris, and Mr President.

On motion of Mr Cook,

The Council adjourned until 7 o'clock this evening.

7 o'clock, P. M.

Mr Cook, from the committee on Claims, to whom was referred

No. 166, H. R. File, A bill to provide for the compensation of members and officers of both Houses of the present session and for other purposes,

Reported the same back with amendments.

Mr Gehon moved to strike out that part of the bill allowing pay to the Secretary of the Council and Chief Clerk of the House for indexing, &c. the Journals.

Division of the question being called for,

The question was taken on striking out;

And decided in the negative,

On motion of Mr Cook,

The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Mr Elbert from the committee, on Enrolled bills reported, as correctly enrolled

Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws of the present session;

Also,

An act to amend an act, entitled an act, concerning costs and fees.

Mr Wallace from the committee on the Judiciary, to whom was referred

No. 142, H. R. File, A bill to amend an act, entitled an act, defining crimes and punishments; approved 16th February, 1843,

Reported the same back with one amendment;

Mr Cook moved to reject the report of the committee,

Mr Leffler moved to amend the motion by laying said bill upon the table indefinitely,

And the question being taken;

It was decided in the affirmative:

Mr Cook on leave being granted, introduced

No. 74, C. F., Joint Resolutions relative to the printing, indexing and distributing the Laws and Journals,

Which were read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the Joint Resolution read a third time, and passed.

A message from the House of Representatives, by Mr Fales, their Chief Clerk,

MR PRESIDENT:

The House of Representatives have passed

No. 51, C. F., A bill to amend an act concerning costs and fees.

No. 72, C. F., A bill to amend an act for the limitation of actions, and for avoiding vexatious law suits.

The House have concurred in the amendment of the Council to the House amendment to

No. 73, C. F., A Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the Laws.

I herewith present for your signature;

An act to organize the county of Davis, and to provide for the location of the seat of Justice thereof.

An act to amend an act, entitled an act, to incorporate the town of Davenport.

A Joint Resolution relative to the distribution of the Laws.

An act amendatory of an act subjecting real and personal estate to execution.

Memorial to Congress for a donation of Land to the Mount Pleasant Institute.

An act to lay out and establish a Territorial road from Rome in Jones county, to the Wapsipinecon Rapids.

An act amendatory of an act, entitled an act, relative to proceedings in chancery; approved January 23rd, 1839.

And then he withdrew.

The President then signed the foregoing acts, Joint Resolution and Memorial.

No. 72, C. F., A bill to amend an act for the limitation of actions, and for avoiding vexatious law suits.

In which the House amended the same,

Was taken up;

When a motion was made to lay said bill upon the table,

And the question being taken;

It was decided in the affirmative.

On motion of Mr Teas,

No. 111, H. R. File, A bill amendatory of an act, entitled an act, concerning costs and fees; approved Feb. 11th, 1843,

Was taken from the table;

On motion of Mr Teas,

Said bill was referred to a select committee of three;

Messrs Teas, Wallace and Leffler were appointed said committee.

Mr Teas from the select committee to whom was referred,

No. 111, H. R. File, A bill amendatory of an act, entitled an act, concerning costs and fees; approved Feb. 11th, 1843,

Reported the same back, and have stricken out all after the enacting clause except the 7th, 8th, and 10th sections, and recommend its passage,

The question was then taken on concurring in the report of the committee;

And decided in the affirmative.

On motion of Mr Teas,

The thirteenth rule of the Council was suspended, the bill read a third time, passed and title agreed to.

Mr Springer offered the following Resolution,

Resolved, That the thanks of the Council be tendered to James McIntosh, for the neat and elegant manner in which he has bound the Statutes of Iowa, for the respective members thereof,

Which was adopted.

On motion of Mr Leffler,

No. 33, H. R. File, Resolutions to provide for the payment of the Reports of the Supreme Court, furnished under the resolutions of the last session of the Legislature,

Was taken from the table;

Mr Teas moved a call of the Council,

Which was had;

And after a short time the absent members appearing,

On motion of Mr Springer,

The further call of the Council was suspended.

A message from the House of Representatives by Mr Murray their Assistant Clerk.

Mr PRESIDENT:

I am directed to inform the Council that the House have disagreed to the amendments of the Council to

No. 111, H. R. File, A bill amendatory of an act, entitled an act, concerning costs and fees; approved Feb. 11th, 1843,

The question was then taken on the passage of

No. 33, H. R. File, Resolutions to provide for the payment of the Reports of the Supreme Court, furnished under the resolutions of the last session of the Legislature,

And decided in the affirmative.

Yeas—8,

Nays—3.

The yeas and nays being desired,

Those who voted in the affirmative, were

Messrs Elbert, Gehon, Jenkins, Leffler, Wm Patterson, R. M. G. Patterson, Springer and Mr President.

Those who voted in the negative, were

Messrs Christie, Teas and Wallace.

On motion of Mr Wm Patterson,

No. 92, H. R. File, Joint Resolutions relative to the fine imposed upon General Jackson,

Was taken from the table;

Mr Wallace moved a call of the Council,

Which was had;

And after a short time the absent members appearing;

The further call of the Council was suspended.

Mr Wm Patterson on leave being granted withdrew his motion to take said Resolutions from the table.

A message from the House of Representatives by Mr Murray their Assistant Clerk:

Mr PRESIDENT:

The House of Representatives have passed

No. 167, H. R. File, Joint Resolutions providing for the payment of the binding of the laws of 1842 and 3.

No. 167, H. R. File,

Was then read a first and second time;

On motion of Mr Cook,

The thirteenth rule of the Council was suspended, the Joint Resolutions read a third time and passed.

Mr Elbert from the committee on enrolled bills reported that they did on the 15th inst. present to the Governor for his approval,

An act to incorporate the Wapsipinecon Mill Company;

Also,

Joint Resolution relative to the University Lands of Iowa Territory;

Also,

An act to amend an act entitled an act establishing the prices of Public Printing;

Also,

Joint Resolutions relative to a certain Mail Route;

Also,

An act to amend an act entitled an act to provide for the annual organization of the Council and House of Representatives;

Also,

An act to amend the several acts incorporating the town of Fort Madison;

Also,

An act to amend an act entitled an act relative to Coroners and their duties, approved December 23, 1837.

No. 74, C. F., Joint Resolutions relative to the printing, indexing and distributing the Laws and Journals,

In which the House made one amendment thereto,

Was taken up and considered.

On motion of Mr Wallace,

The amendment was concurred in.

Mr Elbert from the committee on Enrolled bills, reported that they did on the 15th inst. present to the Governor for his approval,

An act to amend an act entitled an act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843;

Also,

An act to relocate a part of the Territorial Road running from Fort Madison to Iowaville on the Des Moines River;

Also,

An act to change the name of the town of Hartford in Van Buren county;

Also,

An act declaring the streets and alleys on the plat of Iowa City public highways and for other purposes;

Also,

An act amendatory to the several acts regulating the election and duties of Sheriffs;

Also,

Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the Laws of the present session;

Also,

An act to amend an act entitled an act concerning costs and fees.

Also,

Joint Resolutions relative to the indexing, printing and distributing the Laws and Journals.

Mr Gehon moved that the Council adjourn until 6 o'clock tomorrow morning,

Which was lost.

A message from the House of Representatives by Mr Murray, their Assistant Clerk:

MR PRESIDENT:

I am directed to inform the Council that the House have disagreed to the amendments made by the Council to No. 111, H. R. File, A bill amendatory of an act entitled an act concerning costs and fees, approved Feb. 11th, 1843.

And then he withdrew.

On motion of Mr Teas,

Ordered, That said bill be laid upon the table until the 4th day of July next.

A Message from the House of Representatives, by Mr Murray their Assistant Clerk:

MR PRESIDENT:

I am directed to inform the Council that the House has passed

No. 170, H. R. File, Joint Resolution requesting our Delegate in Congress to use his influence to obtain an appropriation to defray the expenses of an extra session.

And then he withdrew.

Said Joint Resolution was read a first and second time;

On motion of Mr Springer,

The thirteenth rule of the Council was suspended, the Joint Resolution read a third time, and passed.

On motion of Mr Cook,

The Council adjourned until 6 o'clock to-morrow morning.

FRIDAY MORNING, FEBRUARY 16, 1844.

Mr Springer moved that

A committee of two be appointed to act with a similar committee to be appointed on the part of the House of Representatives, to wait upon the Governor, and ascertain if he has any further communications to make to either House, and if not, the two Houses are now ready to adjourn, *sine die*.

Mr Leffler moved that a committee be appointed to inform the House of Representatives that the Council is now ready to adjourn, *sine die*.

Mr Elbert from the committee on enrolled bills, reported that

they did on yesterday, February 15th, present to the Governor for his approval,

Joint Resolution relative to the printing, indexing and distribution of the Laws and Journals.

The following message was received from the House of Representatives, by Mr Murray, their Assistant Clerk:

MR PRESIDENT:

The House of Representatives have passed,
No. 171, H. R. File, A bill for an act regulating the pay of the Territorial Agent:

I herewith present for your signature,

A Joint Resolution to provide for the payment of the Reports of the Supreme Court, furnished under the resolution of the last session of the Legislature;

A Joint Resolution providing for the payment of the binding of the Laws—1842-'3.

A Joint Resolution requesting an appropriation for an extra session of the Legislative Assembly.

Mr Springer from the committee to wait upon the Governor, reported that they had discharged the duty assigned them, and received for answer, that he had no further communications to make to either House, except his best wishes for their future health and happiness and their safe return to their families and friends.

Mr Leffler from the committee to wait upon the House of Representatives, reported that they had discharged the duty assigned them.

A message from the House of Representatives by Mr Fales their Chief Clerk:

MR PRESIDENT:

I herewith present for your signature,

An act to provide for the compensation of members and officers of the Legislative Assembly and for other puposes.

Which was then signed by the President of the Council.

Messrs Grimes and Nowlin, a committee from the House of Representatives, were announced, who informed the Council that the House of Representatives were now ready to adjourn; *sine die*.

On motion of Mr Springer,

Ordered, That the Council do now adjourn, *sine die*.

The President then addressed the Council as follows:

GENTLEMEN:

As the time for our separation is drawing nigh, I ask your kind indulgence a few moments before we separate. We have, in the discharge of our duties as Representatives of the people, passed a great many general and local laws, all of which, I hope, may have a salutary effect upon our constituency.

Gentlemen, it gives me great pleasure to say that in our intercourse with each other, in the discharge of our official duties, I have seen nothing to disturb that social and friendly feeling that ought to exist in a deliberative body. If we have differed on minor points, it was but for the moment, and I am in hopes it will remain within these walls.

Gentlemen, I feel much affected in taking my leave of you; I have been associated in either House with several of you ever since we became organized as a Territory, and with you all for the last two sessions; you appear to me as part of my family, and my associations with you will long be remembered by me in my retirement.

Gentlemen, be pleased to accept my thanks for the kind indulgence I have received from you, individually, as your presiding officer. You carry with you to your homes, my best wishes for your future health and happiness.

APPENDIX.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After the Journal is read, the following order shall govern;

- 1st—Petitions or memorials to be offered.
 - 2d—Resolutions.
 - 3d—Reports of Committees.
 - 4th—Communications on the President's table.
 - 5th—Reports in possession of the Council, which offer grounds for a bill.
 - 6th—Bills or other matters before the Council and unfinished the preceding day.
 - 7th—The above business being despatched, the general file of bills and other papers will be then taken up agreeably to their first introduction to the Council.
-

STANDING RULES.

1. The Council shall choose, by ballot, one of their own number to occupy the Chair. He shall be styled President, and shall hold his office during the session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned, and call the members to order, and if a quorum be present, he shall direct the Journal of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In Committee of the Whole he shall call some mem-

ber to the Chair; he shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the ayes and nays. In the absence of the President the Council may appoint a President *pro tem.* to occupy the Chair during such absence.

2. Any member may have a call of the Council, and absent members sent for. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion) shall be put in this form: "You who are of opinion (as the case may be) say Aye; those of the contrary opinion say No;" and, in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make any motion (except to adjourn, postpone or commit) he shall reduce the same to writing upon the request of the President or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and the President shall address the member entitled to the floor by name; and, when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and until decided, shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Council

Chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall, at the time previously appointed by the Council, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole; and, if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Council is equally divided on a question, the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants, and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

23. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the

member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

24. Before a bill shall have passed the Council, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors that may be discovered in the engrossed bill, shall make their report forthwith to the Council.

25. A Secretary and an Assisting Secretary shall be appointed to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. They shall keep a correct journal of the daily proceedings and perform such other duties as shall appertain to their office. They shall let no journal records, accounts or papers be taken from their table or out of their custody, other than by regular mode of business of the Council, and if any papers in their charge shall be missing they shall make report to the President that it may be enquired into. It shall be their duty to transcribe, enrol, copy and engross all bills, memorials and resolutions, and to perform all other duties that may be required of them.

26. A Sergeant-at-Arms, Messenger and Fireman shall be appointed, to hold their offices during the pleasure of the Council. It shall be their duty to attend the Council during its sittings, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

27. When a message shall be sent from the Governor to the Council, it shall be communicated to the Chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of the members and officers to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Council when in Executive session.

31. Before acting on confidential or Executive business, the Council shall be cleared, by direction of the President, of all persons excepting the Secretary and Sergeant-at-Arms.

32. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive journal shall be published but by special order.

33. No member or officer shall read the newspapers within the bar of the Council while in session.

34. The President is authorized and required to administer all oaths prescribed by these rules.

35. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Council; and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

36. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of two thirds of the members present.

37. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

38. When a member be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Council may be better enabled to judge of the matter.

39. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

40. The following officers and persons present at any time during the sitting of the Council, shall be entitled to a seat within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Council, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

41. The rules of Parliamentary Practice comprised in Jefferson's Manual, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such a com-

mittee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall then be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

10. When a bill or resolution, which shall have been passed in one house, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without notice of five days and leave of two-thirds of that House in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

AUDITOR'S REPORT.

REVENUE DEPARTMENT,
AUDITOR' OFFICE, IOWA,
Iowa City, 6th December, 1843. }

*To the Honorable, the Council
and House of Representatives,
of the Territory of Iowa.*

Gentlemen:--In compliance with the 8th section of an act of the Legislative Assembly of the Territory of Iowa, entitled "An act providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following

R E P O R T :

I regret that from the fact of many of the county officers throughout the Territory, having failed in the discharge of their respective duties relative to the Territorial Revenue, and the transmission of documents appertaining to this office, I am not prepared to exhibit the situation and condition of the revenue department of the Territory, in that light and with that degree of accuracy and certainty which is at all times so much to be desired.

In consequence of my predecessor not having heretofore submitted regular annual reports, I have no data from which to commence this report other than the foundation and organization of this office; I shall, therefore, (so far as I have the means within my control) endeavor to exhibit a statement of all the Warrants issued and the amount that has been cancelled from the 12th day of March, A. D. 1840, up to this date, also the liabilities and resources of the Territory so far as can be ascertained from the books and papers in my possession.

WARRANTS ISSUED BY JESSE WILLIAMS, LATE AUDITOR.

For pay of Military Officers.

To John King, Brigade Inspector,	\$ 28 00	
To Ver Plank Van Antwerp, Adjutant General,	150 00	
do do	75 00	
To Henry King, Brigade Inspector,	32 00	
To Ver Plank Van Antwerp, Adjutant General,	75 00	
To Theodore Sanxey, on account of Adjutant General,	125 00	
To Henry King, Brigade Inspector,	79 00	
To John W. Brown, do	32 00	
To O. H. W. Stull, Adjutant General,	75 00	
	—————	\$ 671 00

For Public Buildings at Iowa City,

To John F. Rague and Company,	10,000 00	
To Chauncey Swan, Acting Commissioner,	4,640 00	
do do	3,360 00	
To John H. McKenny,	45 00	
To Chauncey Swan, Acting Commissioner,	1,155 00	
To William Skein	800 00	
	—————	20,000 00

For Payment of Territorial Treasurer.

To Thornton F. Bayless,	\$69 50	
“ Morgan Reno,	11 68	
“ do do	25 00	
“ do do	25 00	
“ do do	25 00	
“ do do	12 00	
“ do do	13 00	
	—————	181 18

For payment of incidental expenses.

To O. Fairchild, for stationery, blank books, &c.,	10 00	
“ John H. McKenny, blanks for Auditor,	10 00	
“ William Green,	22 00	
“ M. Reno, for postage,	5 37	
“ John H. McKenny, for blanks,	10 00	
	—————	57 37

For Clerk's fees in the District Court.

To D. Hoge, Clerk, Scott county,	14 12	
" John H. Lines, Clerk, Lee county,	92 24	
" J. G. Morrow, Clerk, Muscatine county,	19 11	
" Z. C. Inghram, Clerk, Louisa county,	9 12	
" S. H. Tryon, Clerk, Linn county,	19 34	
" E. Killpatrick, Clerk, Henry county,	36 25	
	<hr/>	190 18

Sheriffs fees for attending District Court.

To A. H. Davenport, Sheriff, Scott county	6 99	
" B. W. Gillock, Sheriff, Lee county,	189 73	
" A. H. Davenport, Sheriff, Scott county,	54 00	
" Jas. Cameron, Sheriff, Des Moines county,	189 50	
" Samuel Smith, Sheriff, Henry county,	64 50	
" A. H. Davenport, Sheriff, Scott county,	9 00	
" B. W. Gillock, Sheriff, Lee county,	54 00	
" George McCoy, Sheriff, Cedar county,	21 00	
" George W. Cummins, Sheriff, Du Buque county,	180 00	
" J. H. Bonney, Sheriff, Van Buren county,	27 00	
" C. M. McDaniel, Sheriff Louisa county	5 49	
" H. W. Gray, Sheriff, Linn county,	37 87	
" A. H. Davenport, Sheriff, Scott county,	13 50	
" Samuel Smith, Sheriff, Henry county,	5 91	
	<hr/>	858 49

Witness fees in District Court.

To D. Hoge, Scott county,	20 00	
" W. Woodbridge, Linn county,	9 24	
" John Grogan, Henry county,	15 00	
" J. P. Box, Henry county,	12 00	
	<hr/>	56 24

Sheriff's fees for maintaining Jurisdiction.

To H. Heffelman, Sheriff of Van Buren co.	50 00	
" do do do do	50 00	
" do do do do	50 00	
" do do do do	50 00	
" do do do do	50 00	
" do do do do	20 00	
" James Davis Sheriff of Muscatine co.,	24 72	
	<hr/>	344 72

Expenses of Penitentiary.

To Wells & Wilson,	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	500 00	
" do do	500 00	
" do do	500 00	
" do do	600 00	
" John Claypool.	437 50	
" Wells & Wilson,	500 00	
" do do	500 00	
" do do	500 00	
" do do	251 42	
" Lucy Ann Smith,	61 87	
	<hr/>	9350 79

For payment of Superintendent of Public Instruction.

To William Reynolds,	62 50	
" do do	62 50	
" do do	85 40	
	<hr/>	210 40

To James Cameron, Sheriff of Des Moines county, attending Supreme Court,	22 00
" John Lorton upon Resolution of Legisla- ture,	21 00

Constables fees for attending District Court.

To Levi Williams, Scott county,	11 00	
" Jarad Snow, do do	14 00	
	<hr/>	25 00

For arresting Prisoners.

To Samuel Ralston, of Henry county,	67 85	
" Luke Booth, do do	12 00	
" Absalom Grogan, do do	22 00	
	<hr/>	101 85

WARRANTS ISSUED BY THE UNDERSIGNED
SINCE THE 1st DAY OF FEBRUARY, 1843.

Appropriations by the Legislature.

To Laurel Summers,	\$170 00	
" Hawkins Taylor,	12 00	
" John Hawkins, administrator of Jas. M. Hawkins,	45 00	
	<hr/>	227 00

For pay of Military Officers.

To O. H. W. Stull, Adjutant General,	\$75 00	
" John Brown, Brigade Inspector,	16 00	
" D. R. Warfield, do do	56 00	
" Z. C. Inghram, President Court Martial.	7 00	
" John W. Brown, Brigade Inspector,	16 00	
	<hr/>	170 00

Sheriffs Fees attending District Court.

To James Bowen, Sheriff Clinton county,	4 50	
" Hawkins Taylor, do Lee do	54 00	
" James Cameron, do Des Moines do	40 50	
" Geo. Cummings, do Du Buque do	77 00	
" A. Davenport, do Scott do	9 37	
" J. H. Bonney, do Van Buren do	15 00	
" James Davis, do Muscatine do	49 50	
	<hr/>	249 87

For Contingent Expenses.

To Jones and Powell for paper, &c.,	4 00	
" Van Antwerp and Hughes, Treasury Drafts,	12 00	
" Ezra Bliss assignee of Jos. Lancaster, Binding Books,	3 00	
" William Green for warrant Record,	9 00	
" Reagan and Gilbert for Blank Book,	2 50	
" Hughes and Williams for publishing notice,	2 50	
" Hughes and Williams for printing, &c.,	4 00	
" R. W. Allbright " do	24 00	
	<hr/>	\$61 00

Sheriff's Fees attending Sup. Court.

To Walter Butler, Sheriff of Johnson Co.,	30 00	
" Saml. C. Trowbridge "	2 50	
" Walter Butler "	6 00	
	<hr/>	\$38 50

Expenses of Penitentiary.

To James Wilson,	\$149 87	
" Wilson, Perry & Co.,	206 46	
" Edwin Guthrie,	39 25	
" do do	137 00	
" do do	166 66	
" Charles Jewett,	80 00	
" John Claypool,	187 05	
" Solomon Fine,	200 00	
" George Van Baskirk,	7 50	
" J. W. and W. G. Allbright,	275 81	
" Peter Miller,	108 57	
" do do	148 80	
" do do	155 64	
" William Augabright,	11 25	
" John H. Lines,	99 36	
" John C. Tull,	25 00	
" Fitzpatrick and Dorsey,	61 08	
" William Anderson,	120 84	
" do do	83 79	
" do do	395 84	
" do do	180 52	
" Richard Pritchett,	11 00	
" Stewart and Brown,	7 60	
" John Waters,	17 00	
" John Claypool,	340 27	
" John Jenkins,	6 00	
" Wells & Wilson for interest on \$7,100 00,	278 08	
	<hr/>	3,500 24

For Clerks Fees in District Court.

To David Hoge, Scott county,	16 56	
" John McDonald, Jackson county,	6 50	
	<hr/>	23 06

For Payment of Territorial Treasurer.

To Morgan Reno,	75 00	
" do do 3 Warrants,	150 00	
	<hr/>	225 00

To Emanuel Horner, witness fee in the District Court of Louisa County,	\$2 00
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\$36,586 89

To William Reynolds, of which there is no record or memorandum, issued by Jesse Williams,	62 52
---	-------

\$36,649 41

Amount of Warrants Cancelled.

Receipted for by Jesse Williams as Auditor,	\$20677 60
do W. L. Gilbert do	5446 98
	\$26,124 66

*Amount paid by the Territorial Treasurer for which
there were no Warrants issued.*

To Thornton F. Bayless, late Treasurer,	\$114 26
" Jesse Williams, late Auditor,	153 00
" Wm. L. Gilbert, present do	148 10
" James Cameron, interest on protested Draft,	4 68
	420 04
To O. H. W. Stull on Warrant No. 4 not cancelled,	25 00

\$26,569 70

Deduct this amount of certificates issued by the Treasurer, as per act of the Legis- lative Assembly,	3,074 54
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\$23,495 16

Total amount of Warrants issued since the 12th day of March, 1840,	36,649 41
Warrants cancelled and payments by Treas- urer,	23,495 16

Amount outstanding against the Territory,	\$13,154 25
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As appears from the books and papers in this office, from this amount there should be deducted such payments as have been made by the Secretary of the Territory, in accordance with the act of Congress approved 29th August, 1842, the amount of which said payments the undersigned has not the means of ascertaining.

The following statement will show the situation of the accounts with the several Counties in the Territory, as appears from the Records of this office, up to this date.

<i>Cedar County.</i>			DR.		CR.
1841.	To	Territorial Tax,	\$37	74	
1842.	do	do	58	07	
1843.	do	do	47	80	
				<hr/>	
			\$143	61	
				<hr/>	
<i>Clayton County.</i>			DR.		CR.
1840.	To	Territorial Tax,	\$10	33	
1841.	do	do	22	01	
1842.	do	do	16	31	
				<hr/>	
			\$48	65	
				<hr/>	
<i>Clinton County.</i>			DR.		CR.
1839.	To	Territorial Tax,	\$18	86	
1840.	do	do	14	61	
1841.	do	do	15	02	
1842.	do	do	16	68	
				<hr/>	
			\$65	18	
				<hr/>	
<i>Des Moines County.</i>			DR.		CR.
1839.	To	Territorial Tax,	\$102	12	
1840.	do	do	206	70	
1841.	do	do	310	24	
1842.	do	do	280	46	
				<hr/>	
			899	52	
1843.	Dec. 1st.	By Treasurer's receipt,			\$249 65
				<hr/>	<hr/>
	Balance due	Territory,	\$649	87	
<i>Dubuque County.</i>			DR.		CR.
1839.	To	Territorial Tax,	\$130	23	
1840.	do	do	62	93	
				<hr/>	
			\$193	16	

Henry County.

	DR.	CR.
1839. To Territorial Tax,	\$ 58 41	
1840. do do	96 35	
1841. do do	138 03	
1842. do do	149 67	
	<hr/>	
	\$442 46	
1841, Jan. 15th. By cash received from county Treasurer,		\$ 58 41
" " do do		96 35
1843. Dec. 2d. By Treasurers receipt,		270 10
		<hr/>
		\$424 86
	<hr/>	
Balance due Territory,	\$17 60	

Muscatine County.

	DR.	CR.
1839. To Territorial Tax,	\$ 23 48	
1840. do do	146 85	
1841. do do	146 36	
1842. do do	150 06	
	<hr/>	
	\$466 75	
	<hr/>	

Scott County.

	DR.	CR.
1839. To Territorial Tax,	\$ 85 36	
1840. do do	90 54	
1841. do do	72 72	
1842. do do	106 32	
	<hr/>	
	\$354 94	
1843. Dec. 1st. By Treasurer's receipt,		\$365 04
		<hr/>
Balance due Scott county,		\$10 00

Jackson County.

	DR.	CR.
1840. To Territorial Tax,	\$25 90	
1841. do do	23 42	
1842. do do	30 43	
	<hr/>	
	\$79 75	
	<hr/>	

Jefferson County

DR. | CR.

1839.	To Territorial Tax,	\$29 89	
1840.	do do	55 57	
1841.	do do	86 57	
1842.	do do	58 92	
		<hr/>	
		\$230 95	

Johnson county.

DR. | CR.

1840.	To Territorial Tax,	\$ 43 64	
1841.	do do	42 18	
1842.	do do	81 43	
1843.	do do	216 00	
		<hr/>	
		\$383 25	

1842.	May 2d. By cash per Treasurer's receipt,		\$37 00
1843.	Sept. 10th, Treasurer's receipt,		70 71
			<hr/>
			\$107 71

Balance due the Territory, \$275 54

Jones County.

DR. | CR.

1840.	To Territorial Tax,	\$ 7 39	
1841.	do do	10 42	
1842.	do do	11 15	
		<hr/>	
		\$28 96	

Lee County.

DR. | CR.

1839.	To Territorial Tax,	\$139 07	
1840.	do do	176 06	
1841.	do do	297 78	
1842,	do do	289 41	
		<hr/>	
		\$902 32	

1840.	Jan. 6th. By cash as per Treasurer's receipt,		\$139 00
1843.	Dec. 1st. Treasurer's receipt,		464 97
			<hr/>
			\$603 97

Balance due the Territory, \$298 35

<i>Linn County.</i>		DR.		CR.
1841.	To Territorial Tax,	\$20	08	
1842.	do do	31	11	
		<hr/>		
		51	19	
1843.	July 20th. By Treasurer's Receipt,			37 37
	Balance due Territory,	\$13	82	
		<hr/>		

<i>Louisa County.</i>		DR.		CR.
1839.	To Territorial Tax,	\$ 39	65	
1840.	do do	111	27	
1841.	do do	105	03	
1842.	do do	94	73	
		<hr/>		
		\$350	78	
1843.	Dec. 1st. By Treasurer's receipt,			\$234 34
	Balance due the Territoy,	\$116	34	
		<hr/>		

<i>Van Buren County.</i>		DR.		CR.
1839.	To Territorial Tax,	\$ 44	15	
1840.	do do	150	56	
1842.	do do	246	20	
1843.	do do	547	23	
		<hr/>		
		\$988	14	
		<hr/>		

<i>Washington County.</i>		DR.		CR.
1839.	To Territorial Tax,	\$13	72	
1840.	do do	31	31	
1841.	do do	27	37	
1842.	do do	36	87	
1843.	do do	80	06	
		<hr/>		
		\$189	33	
1843.	Nov. By Treasurer's receipt,			\$ 22 00
	Balance due Territory,	\$167	33	
		<hr/>		

<i>Recapitulation.</i>		DR.	CR.
Due from Cedar county,		\$143 61	
do Clayton do		48 65	
do Clinton do		65 18	
do Des Moines do		649 87	
do Du Buque do		193 16	
do Henry do		17 60	
do Muscatine do		466 75	
do Jackson do		79 75	
do Jefferson do		230 95	
do Johnson do		275 54	
do Jones do		28 96	
do Lee do		298 35	
do Linn do		13 82	
do Louisa do		116 34	
do Van Buren do		988 14	
do Washington do		167 33	
		<hr/>	
		\$3,784 00	
Deduct balance overpaid by Scott co.,		10 10	
		<hr/>	
Total amount of resources,		3,773 90	
Amount of outstanding liabilities,			\$13,154 25
Resources,			3,773 90
			<hr/>
Excess of liabilities above resources,			\$9,380 35

It will be perceived from the foregoing statement that the amount of Territorial taxes has not been regularly transmitted to this office from some of the counties for several years past, although the proper officers in such counties have been repeatedly solicited from this office to send up the amounts of former assessments, and for the present year but few of the assessments have as yet been received.

With regard to the outstanding revenue due from the several counties, the undersigned feels well convinced, that but little, if any of it, will ever be made available to the Territory, unless some new mode should be adopted different from the present system of collecting and paying over the Territorial revenue. In view of this, the undersigned would respectfully suggest the necessity of so amending the revenue law as to make it the duty of the clerk of the Board of County Commissioners to forward to this office copies of the assessment rolls at the same time that they are delivered to the Collectors, and that the Collectors be directed to pay over the Territorial funds to the Territorial Treasurer, and to take his receipt therefor, and furnish to this office annually a list of the delinquents verified by affidavit, and that there be such clauses incorporated into said law as will afford the means of coercing the several

County officers into the discharge of their respective duties relative to the Territorial revenue. Such amendments the undersigned feels assured would have a salutary effect in putting a stop to the present system of appropriating the territorial funds to individual and county purposes.

All of which is respectfully submitted by

WM L. GILBERT,

Auditor of Public Accounts.

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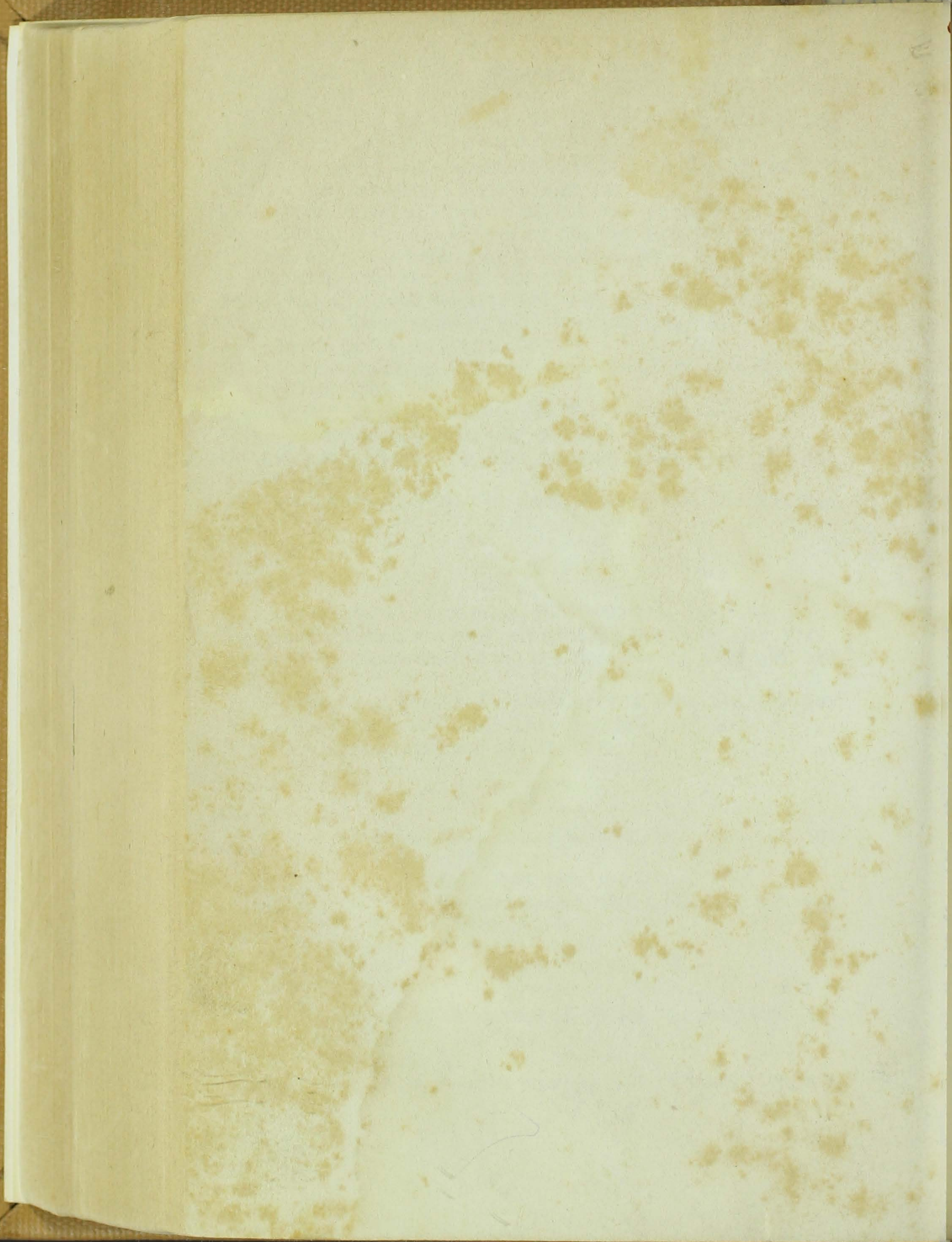
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JOURNAL

OF THE

COUNCIL

OF THE

SEVENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY ON MONDAY THE FIFTH DAY OF
MAY, A. D. ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

IOWA CITY:
WILLIAMS & PALMER, PRINTERS.

.....
1845.

JOURNAL

OF THE

COURT

OF THE

REVENUE DEPARTMENT

OF THE

REVENUE DEPARTMENT

AND ALSO A COPY OF THE

REVENUE DEPARTMENT

OF THE

JOURNAL OF THE COUNCIL.
OF THE
LEGISLATIVE ASSEMBLY
OF THE TERRITORY OF IOWA.

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE FIFTH DAY OF MAY,
A. D. 1845, BY VIRTUE OF AN ACT OF THE LEGISLATIVE ASSEMBLY,
APPROVED, JUNE NINETEENTH, A. D. 1844.

At 12 o'clock, M. the Council was called to order by Wm. G. Coop, and on his motion, Shepherd Leffler was appointed President pro. tem.

On motion of Paul Brattain,
James W. Woods, was appointed Secretary pro. tem.

On motion of William Abbe,
James R. Hartsock was appointed Sergeant-at-arms pro. tem.

On motion of Stephen Hempstead,
Alexander D. Anderson was appointed assistant Secretary pro. tem.

On motion of Laurel Summers,
Robert Secrest was appointed Door-keeper pro. tem.

On motion of Wm. G. Coop,
Charles W. Anderson was appointed Fireman pro. tem.

The following named members having filed their certificates of election and answering the call of the Secretary, were severally sworn by James Trimble, Esq., Justice of the Peace.

From the County of Lee—JOHN THOMPSON.

From the Counties of Van Buren, Davis and Appanoose—HENRY M. SHELBY and PAUL BRATTAIN.

From the County of Des Moines—SHEPHERD LEFFLER.

From the County of Henry—JOHN STEPHENSON.

From the Counties of Jefferson, Wapello and Kishkekosh—WILLIAM G. COOP.

From the Counties of Louisa, Washington, Keokuk and Mahaska—ENOCH ROSS.

From the Counties of Muscatine and Johnson—S. C. HASTINGS.

From the Counties of Cedar, Linn and Jones—WILLIAM ABBE.

From the Counties of Scott and Clinton—LAUREL SUMMERS.

From the Counties of Dubuque, Jackson, Clayton and Delaware—STEPHEN HEMPSTEAD and PHILLIP B. BRADLEY.

On motion of Mr. Summers,

The Council proceeded to ballot for a committee on elections, consisting of five, to examine the credentials of members.

Whereupon the President appointed Messrs. Hastings and Thompson tellers.

The ballots being taken and counted, it appeared that Wm. G. Coop, Stephen Hempstead, Paul Brattain and Laurel Summers received a majority.

S. C. Hastings and Wm. Abbe having an equal and the next highest number,

On motion of S. C. Hastings,

By consent of the Council Mr. Abbe was appointed the fifth member of said committee.

Mr. Coop offered the following resolution:

Resolved, That the rules for the government of the Council of the last session, be adopted for the temporary government of this Council and until new rules are adopted.

Which was agreed to.

The President announced two communications on the table, which were read and filed, contesting the seat of James Brierly of Lee county.

On motion of Mr. Hastings,

The certificates of election of the several members, together with the communications announced by the President, were referred to the committee on elections.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, MAY 6, 1845.

Mr. Coop from the committee on elections presented the following report:

"The committee on elections, to whom was referred the credentials of members, beg leave to report,

That they have examined the credentials of such members as have been presented and find them correct and satisfactory."

Which was adopted.

Mr. Summers presented the credentials of James Brierly, member elect from Lee county, who was duly sworn by Geo. S. Hampton Esq. and took his seat.

Mr. Hempstead presented some further testimony as to the contested election from the county of Lee, which was, on his motion, referred to the committee on elections.

Mr. Hempstead gave notice that on to-morrow or some future day he would ask leave to introduce the following bills:

"A bill to amend an act entitled 'An Act subjecting real and personal estate to execution.'

"A bill to amend an act entitled 'An Act for the organization of townships,' approved February 17, 1842.

"A bill to prevent the obstruction of public roads and highways."

Mr. Bradley offered the following resolution:

Resolved, That Williams and Palmer, editors of the Iowa Capital Reporter, be employed to do the incidental printing of the Council during the present session.

The President presented a communication from Charles R. Fisk, in relation to the printing of the Council, which was read.

The resolution offered by Mr. Bradley, in relation to the incidental printing, was

On motion, adopted.

Mr. Hastings offered the following resolution:

Resolved, That the Secretary of the Council be authorized to make immediate arrangements with the Post-Master at Iowa City, relative to postage of letters, papers and documents, transmitted by mail to and from members of the Council during the present session.

Which was adopted.

Mr. Hastings offered the following resolution:

Resolved, That the per diem of the officers of the Council be as follows:

To the Secretary	-	-	-	-	\$3,00
" Assistant Sec'y.	-	-	-	-	3,00
" Sergeant-at-arms	-	-	-	-	3,00
" Messenger	-	-	-	-	3,00
" Fireman	-	-	-	-	3,00

Mr. Brattain moved to lay the resolution on the table,

Which was agreed to.

On motion of Mr. Hastings,

The Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, MAY 7TH, 1845.

Mr. Abbe presented the petition of sundry citizens of Linn and Buchanan counties in relation to a road from Marion in Linn county, to Fort Atkinson, which was on his motion laid upon the table, subject to the order of the Council.

Mr. Summers gave notice that on to-morrow or some future day, he would ask leave to introduce A Bill to prevent the spreading of diseases among horses.

Mr. Hasting gave notice that on some future day he would introduce the following bills to-wit:

A Bill to amend an act entitled "An Act to provide for the partition of real property."

A Bill to amend an act entitled "An Act defining the jurisdiction of the Supreme Court and regulating the practice therein."

A Bill to authorize James Davis to keep a ferry across the Mississippi river opposite the town of Geneva in Muscatine county.

A Bill to establish a territorial road from Bloomington, Muscatine county to Davenport, Scott county.

A Bill to alter the name of "the subscribers for erecting a dam across the Muscatine Slough."

Mr. Hastings offered the following resolution:

Resolved, That each member of the Council be authorized to take

thirty numbers per week, of any newspaper printed in Iowa City that he may choose.

Mr. Summers moved to amend by striking out thirty and inserting fifteen.

Which was not agreed to.

The question then recurred upon the resolution to which the Council agreed.

Mr. Hastings offered the following resolution,

Resolved, That the Rev. M. Hummer have the use of this Chamber each Sabbath during the present session, for divine service.

Mr. Hempstead moved to refer the resolution to a committee of three.

Mr. Summers moved that the resolution be laid upon the table, subject to the order of the Council.

Which was agreed to.

Mr. Abbe offered the following resolution:

Resolved, That the following be the standing committees of the Council:

On the Judiciary.

On Finance.

On Internal Improvements.

On Schools.

On Military Affairs.

On Roads.

On Public Buildings.

On Territorial Affairs.

On Elections.

On Engrossed Bills.

On County Boundaries.

On Claims.

On Agriculture.

On Enrolled Bills.

On Expenditures.

On Incorporations.

Which was adopted.

Mr. Hastings presented the petition of sundry citizens of Bloomington, Muscatine county, in relation to justices of the peace, which was read,

And on his motion laid upon the table subject to the order of the Council.

Mr. Hempstead presented the petition of sundry citizens of Delaware county praying the Legislature to legalize the election of James A. Reynolds as justice of the peace,

Which was laid on the table, subject to the order of the Council.

On motion of Mr. Brierly,

The Council adjourned until this afternoon at 2 o'clock.

TWO O'CLOCK, P. M.

Messrs. Robertson and McCleary a committee from the House of Representatives waited upon the Council, and informed them that the House had organized and were ready to proceed to business.

Mr. Hempstead from the committee on elections, submitted the following Report:

The committee on elections

REPORT—

That they have carefully investigated all the testimony which had been submitted in this case, of which the following is a brief statement. It appears by a certified copy of the abstract of votes polled in Lee county, on the 7th day of April, A. D. 1845, that James Brierly the person who obtained the certificate of election, received five hundred and fifteen votes, and that William Patterson received five hundred and eleven votes; that one R. M. G. Patterson, who was at said election running as a candidate for the Council, received in the township of Cedar in said county, seventeen votes, fourteen of which are claimed for William Patterson, upon the grounds that the persons voting the same intended them for him, and not for the other candidate, R. M. G. Patterson, and for the purpose of proving this, the *ex parte* affidavits of fourteen persons have been taken who voted in said Cedar township.

Without stopping to enquire whether the proceedings have been legal or regular on the part of either of the parties, we will at once proceed to examine the main question presented by this case, which is that fourteen persons in the said township of Cedar intended to vote for Col.

William Patterson, of West Point, instead of another candidate by the name of R. M. G. Patterson, for whom they actually cast their votes.

Your committee, after mature deliberation, are of the opinion that to receive testimony of the intentions of voters after the election has taken place, as to the manner that they intended to vote, would be establishing a precedent which would lead to the utmost confusion and the worst of consequences, as must appear obvious. If such a position should be established as the rule, in every election which might hereafter take place, the candidate who might lack some few votes to secure his election, might obtain a sufficient number of voters to testify that they made a mistake, in voting for some other candidate, when they intended to cast their votes for the contesting candidate.

Such a course, it appears to your committee, would lead to dangerous consequences, and have a direct tendency to create confusion trouble and vexation to the Legislature and the people.

Again, if this rule should be established, perjury can be committed with impunity, and without the possibility of punishment, as the witnesses in such cases would only be required to swear that they had made a mistake, or supposed that they were voting for the contesting candidate, they swear to their intentions, things of which no one else can know any thing, and if false cannot be disproved.

Your committee would also observe, that in the case now under consideration there is no evidence that Mr. Brierly, the member elect, was the cause or in any manner occasioned the mistake complained of by Mr. Patterson. Had Mr. Patterson been defeated by the frauds or misrepresentations of the member elect, your committee would have taken a different view of this case, but as no such charge has been made against him, nor any thing of the kind proven, we are therefore of the opinion that it would be unjust to deprive him of his seat in this body, to which he has been elected, and recommend the adoption of the following resolution:

Resolved by the Council, That James Brierly, member elect from the county of Lee, is entitled to his seat in this body as a member from said county.

On motion of Mr. Hastings, the report was adopted.

On motion of Mr. Summers,

The Council proceeded to the election of President.

Mr. Summers nominated S. C. Hastings, who was unanimously elected.

Messrs. Brierly and Summers conducted the President to the Chair, when he addressed the Council as follows :

" GENTLEMEN :—

I feel truly grateful for the honor you have conferred upon me, and hope with your generous co-operation to prove that your confidence has not been misplaced.

" I hope that harmony may characterize our proceedings, and that our deliberations may result in the advancement of the best interests of the Territory."

On motion of Mr. Hempstead,

The Council proceeded to the election of Secretary.

Messrs. Abbe and Coop were appointed tellers.

The votes having been taken and counted, stood as follows:

For J. F. Kinney, 12 votes.

Mr. Kinney was declared to be unanimously elected.

On motion of Mr. Summers,

The Council proceeded to the election of assistant Secretary.

Mr. Summers nominated S. R. Murray.

Mr. Hempstead nominated Alex. D. Anderson.

Messrs. Hempstead and Bradley were appointed tellers.

The votes having been taken and counted stood as follows:

For S. R. Murray, - - - - - 8 votes.

" A. D. Anderson, - - - - - 5 "

Mr. Murray was declared to be duly elected.

On motion of Mr. Shelby,

The Council proceeded to the election of Sergeant-at-arms.

Mr. Shelby nominated Joseph Barker.

Messrs. Ross and Brattain tellers.

The votes having been taken and counted stood as follows:

For Joseph Barker, 13 votes.

Mr. Barker was declared to be unanimously elected.

On motion of Mr. Abbe,

The Council proceeded to the election of Messenger.

Mr. Abbe nominated Robert Ellis.

Messrs. Summers and Brierly were appointed tellers.

The votes being taken and counted stood as follows:

For Robert Ellis, 12 votes.

Mr. Ellis was declared to be unanimously elected.

On motion of Mr. Coop,

The Council proceeded to the election of Fireman,

Mr. Coop nominated Charles W. Anderson.

Messrs. Leffler and Thompson were appointed tellers.

The votes being taken and counted stood as follows:

For C. W. Anderson, 12 votes.

Mr. Anderson was declared unanimously elected.

On motion of Mr. Abbe,

The persons elected as officers came forward and were severally sworn by the President, and entered upon the discharge of their duties.

Mr. Summers offered the following resolution:

Resolved, That the pro tem. officers of this Council be allowed three dollars per day, each, for three days services.

Which was adopted.

Mr. Summers moved to reconsider the vote on the last resolution,

Which was agreed to.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, MAY 8TH, 1845.

On motion of Mr. Summers,

Ordered, That a committee of two be appointed to inform the House of Representatives, that the Council is now organized and ready to proceed to Legislative business.

Messrs. Summers and Thompson were appointed said committee.

On motion of Mr. Coop,

Ordered, That James W. Woods be allowed nine dollars, for three days services as Secretary of the Council, and the sum of twenty-four dollars for milage, in all the sum of thirty-three dollars, to be paid by the Secretary of the Territory, out of any money not heretofore appropriated.

On motion of Mr. Thompson,

Ordered, That a committee of three be appointed to prepare rules for the government of the Council, during the present session.

Messrs. Thompson, Hempstead and Leffler were appointed said committee.

On motion of Mr. Coop,

Ordered, That a committee of three be appointed on the part of the Council, to act with a similar committee on the part of the House of Representatives, for the purpose of framing the necessary rules to regulate the intercourse between the two Houses.

Messrs. Coop, Hempstead and Brattain were appointed said committee.

Ordered, That the Secretary inform the House of Representatives therewith.

Mr. Leffler offered the following:

Resolved, That William Patterson, of Lee county, be allowed the sum of twenty-four dollars for mileage, and the sum of nine dollars for three days attendance on the Legislative Assembly, while contesting the seat of James Brierly; and that the Secretary of the Territory be authorized to pay the same, as a part of the Legislative expenses of the present session.

On motion of Mr. Hempstead,

Ordered, That said resolution be referred to a select committee of three members.

Messrs. Hempstead, Shelby and Coop were appointed said committee.

Mr. Summers from the committee appointed to inform the House of the organization of the Council, reported that the committee had performed the duty assigned them, and asked leave to be discharged.

To which the Council agreed.

On motion of Mr. Ross,

Ordered, That a committee composed of two members, be appointed on the part of the Council, to act in conjunction with a similar committee upon the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him that the two Houses are now organized and ready to receive any communication that he may be pleased to make: Whereupon

Messrs. Ross and Bradley were appointed said committee.

On motion of Mr. Brattain,

Ordered, That A. G. Anderson, assistant Secretary, James R. Hartsock, Sergeant-at-arms, and Robert Secrest, Messenger, be allowed the sum of nine dollars each, for three days services each, as *pro tempore* officers of the Council, to be paid by the Secretary of the Territory, out of any money in his hands not otherwise appropriated.

On motion of Mr. Summers,

Ordered, That one hundred copies of the report of the committee on Elections, submitted on yesterday, be printed.

On motion of Mr. Leffler,

Ordered, That Wm. Patterson, of Lee county, be permitted to take from the files the affidavits by him presented, contesting the seat now occupied by the Hon. James Brierly, the Secretary having first taken and filed copies thereof.

On motion of Mr. Summers,

The Resolution presented yesterday, granting the use of the Hall (occupied by the Council,) to the Rev. Mr. Hummer for divine service was taken from the table, and

Adopted.

Mr. Shelby gave notice that he would on to-morrow or some day thereafter, introduce

"A bill to amend an act entitled "An Act allowing and regulating writs of attachment; also,

"A bill to amend an act entitled "An Act regulating the practice in the District Court in the Territory of Iowa."

Mr. Bradley from the joint committee appointed to wait upon His Excellency the Governor, reported that the committee had performed the duty assigned them, and that His Excellency would make a communication in writing to the Council immediately.

The Secretary of the Territory was announced, who presented the following Message, which was read by the Secretary.

Fellow citizens of the Council,

And House of Representatives :

Since the last meeting of the Legislative Assembly, the people of the Territory have had renewed cause of gratitude to the Most High, for the many and great blessings with which he has favored them, and especially for the general prevalence of health and abundant supplies of the necessaries and comforts of life.

The tide of emigration continues to pour into our favored land a numerous and intelligent population from almost every state of the Union, and you enjoy a high and proud privilege in representing in the law making department of the territorial government, a people of whom it may be justly said, that in proportion to their numbers, they possess as much intelligence, morality and religion, as any other within the wide limits of the national sovereignty. It gives me pleasure to in-

form you that the laws have been duly administered and the duties of the public functionaries faithfully performed.

The act of the Legislature of the 12th of February, 1844, "to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of a State Constitution for the State of Iowa" resulted, as you know, in the vote of a majority in favor of a convention, and delegates to form a Constitution having been elected in conformity to the provisions of the act, they assembled at the Capitol in October last and performed the duty assigned them. The Constitution as it came from the hands of the convention was presented to Congress at the last session, and an act was passed by that body for the admission of Iowa into the Union as a State, upon certain conditions, among which was our acceptance of a boundary so greatly curtailing on the North and West the limits of the proposed State, as included in the boundary adopted by the convention, as to cause very general dissatisfaction among the people of the territory—indeed such is the general repugnance to the boundary offered us by Congress, that I believe it will with great reluctance be acceded to at any time.

The vote taken at the election in last month for and against the Constitution, in conformity to the provisions of the act of the 12th of February, 1844, to which I have before referred, though not yet officially ascertained, has certainly resulted in the rejection of that instrument, and there is reason to believe that the boundary offered us by Congress had much influence in producing that result. The rejection of the Constitution by the vote of the people will impose upon you the necessity of further legislation preparatory to presenting anew to Congress our claims to admission into the Union.

The opinion prevails with many of our fellow citizens, that at present, and under existing circumstances, a majority would prefer to remain under the territorial government to incurring the responsibilities and expenses of a State government; and a proper respect for the respectable minority who voted against the convention last year, and the well known fact that many who voted for it have since changed their opinion, would seem to justify, if not require, that the question be again submitted to the people, whether or not they will at this time have a convention, especially as no time will be lost in again presenting our claims for admission into the Union, if the majority should at the next August election vote for a convention. And in that case the course pursued under the act of 12th February, 1844, would bring us to the same result, in time to present the constitution to the new Congress at its first session.

The contested boundary between the State of Missouri and this Territory, has recently produced consequences greatly to be regretted. Two individuals, the sheriff and deputy sheriff of the county of Adair, in Missouri, which has been so organized as to embrace a part of our county of Davis, have been indicted in that county—the sheriff for exercising his office within our boundary, without legal authority and contrary to our statute, and the deputy for arresting in Davis county and falsely imprisoning a citizen of this Territory. In the latter case a trial was had at the last term of the district court in that county, which resulted in a conviction and sentence of fine and ten days imprisonment in the Penitentiary. The trial of the sheriff was continued until the next term of the court, and upon his refusal to enter into recognizance (without security) for his appearance, the court ordered him to be committed to prison. The moment I received such information in relation to these transactions as I could rely upon, I pardoned Linder, (the convicted deputy sheriff) and remitted his fine, and at the same time pardoned Mullinix, the sheriff, the offence for which he stood indicted, and directed the officer having him in charge to release him. There can be no doubt that these men in the commission of the offences against our laws, for which they were indicted, acted under the authority of the State of Missouri, and in what they considered the discharge of their official duty, and hence, as well as to satisfy the authorities of Missouri, that we are by no means disposed to prosecute this unfortunate controversy in a vindictive spirit, I deemed it my duty to relieve their citizens from the difficulties into which they had fallen. This controversy is to be regretted not only for the immediate and probable effects of it, but because the Territorial government has no power to adjust it or join in the submission of it to a competent tribunal. Congress, by an act entitled “An act respecting the northern boundary of the State of Missouri,” approved June 17th, 1844, authorized the State of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one commissioner, and the Territorial authorities to appoint one, and authorized the two so appointed to select a third, to act with them in the adjustment of the controversy, and the Legislature of Missouri, as I learn from a copy of the message of the Governor of that State, passed an act to carry into effect the act of Congress, but the Governor declined to approve it and returned it with objections to its passage, and I have understood (though not officially informed of it) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress. I send you a copy

of a letter which I address to the Governor of Missouri, on the occasion of the discharge of the individuals prosecuted in Davis county, and respectfully recommend that you take the lead in applying to Congress to make provision for an immediate legal adjustment of the controversy. Until it can be finally settled there will be constant danger of collision between the authorities of Missouri and those of this Territory, and citizens holding offices under either government will be subject to much inconvenience and possibly to injury for the discharge of what they are constrained to consider their official duties. The Territorial government has no power to surrender the disputed territory, if they were disposed to do so. (which they certainly are not;) it has been committed to us by the General Government, and we have at all times exercised jurisdiction over it—to abandon it therefore would be a direliction of duty not only to the government of the United States, but to its inhabitants, who claim to be citizens of this Territory, and demand the protection of its laws. Some years ago this controversy came very near producing armed hostilities between the State of Missouri and this Territory. My predecessor in office on that occasion, called a portion of the Militia into service to protect our citizens resident within the disputed tract of country against the exercise of the jurisdiction of Missouri over them. In doing so he acted in the discharge of a duty which evidently resulted from the relation in which the Territory stands to the government of the Union, but it would seem from the repeated refusals of Congress to provide for the payment of the officers and men called into service on that occasion, that the effort then made to sustain the right of the United States against the claim of Missouri, was not considered as authorized, and hence it may reasonably be feared that our citizens would with great reluctance perform a service which receives neither money nor thanks, from those for whom it would be rendered. But it is hoped that a necessity will not again occur for putting their patriotism to such a test. The idea of a resort to arms between neighbors, citizens of the same government, in such a controversy cannot be tolerated, but in a case of extreme necessity. I respectfully submit the subject to your consideration and recommend that such measures may be adopted, as you may consider best calculated to protect our citizens resident within the disputed boundary against the necessity of submitting to the laws of two distinct and independent governments, and of being held liable to be punished for resistance to either, and by both for the same offence against the penal laws common to both.

Our Indian neighbors within the Iowa superintendency have con-

ducted themselves with more than ordinary propriety during the last winter and present spring. The Sacs and Foxes, with a few exceptions among the latter, give strong assurance of their intention to remove next autumn from the western part of the lands ceded by them to the United States, by the treaty of October, 1842. Their removal will open an extensive, fertile and beautiful portion of the Territory to immediate settlement, and subject it to the laws of the Territory. I would therefore respectfully recommend that provision be made by law for attaching it, prospectively, to the adjacent organized counties for judicial and other purposes.

In November last the government of the United States made a second unsuccessful effort to induce the Winnebago Indians to relinquish the Neutral Ground, and take up their residence in some part of the country appropriated to the use of the Indian tribes removed by government from within the limits of the States. This policy of the Government in reference to the Indians, however injuriously it may seem to operate in some particular instances, is for the most part humane and wise, and considered in reference to the present condition and future prospects of the Winnebagoes, is peculiarly so. The large annuities paid by government, and the insufficiency of the laws enacted for their protection against the avaricious feelings and demoralizing practices of the whites, doom them, (unless speedily relieved,) to become the certain victims to that rage for intoxicating drinks, to which the indolent and irregular habits of the Indian race render them peculiarly liable. They have become perhaps the most degraded of all the western tribes—they have no longer the habits of the Red Man—the chase is almost abandoned, and their council fires, if kindled at all, seem only intended to light up the wretched scene of their drunkenness and debauchery. The money and provisions furnished them by government, would render them entirely independent of any of those casualties affecting the means of living of the most favored communities, but so long as they are supplied with liquor by the abandoned and profligate scoundrels engaged in this most nefarious traffic, they will continue to diminish in numbers, and to descend, if possible, into still lower depths of degradation. Neither a regard for the comforts of the Indians themselves, nor the peace and safety of the white population residing near them, seem to impose the least restraint upon those abandoned and unprincipled men, while the immense profits accruing from the successful prosecution of their trade, furnish the ready means of defraying the pecuniary penalties imposed by law, and leave an ample remuneration for their most philan-

thropic labors. I have continued to urge upon your consideration, at each successive session, the importance of further and more severe legislation upon this subject, and I now again respectfully suggest the propriety of such additional legislation as will restrain the practices referred to. The consequences resulting from the continuance of this traffic are shocking to humanity and disgraceful to a christian people. We have undertaken the guardianship of this unfortunate race, and are responsible for its faithful execution, and I know no reason why the persons, as well as the purses, of this class of offenders should not be reached, if necessary, for the attainment of the object.

Our statutory code seems to be satisfactory to the people, and I am not aware that any material changes in it are necessary. No provision has been made for the publication of the acts of the extraordinary session of the Legislature, held in the month of June of the last year. I beg leave, therefore, to suggest the propriety of their publication with the acts of the present session.

The appropriation made last year by Congress for the expenses of your session was made subject to the payment of arrearages of expenses of previous sessions, and has been so far applied to that purpose as to make it necessary that your present session should be a short one, to bring the expenses of it within the amount remaining in the hands of the Secretary for their payment, and I earnestly recommend that it may not be exceeded. The creation of demands against the Territory, for the payment of which the treasury affords no means, under the expectation (which may be disappointed) that Congress will provide for them, is productive of great inconvenience to those to whom they are payable, and ought to be avoided. I therefore respectfully recommend despatch in the performance of your duties, and beg leave to assure you of my readiness to co-operate with you in any measures tending to the promotion of the general good.

I am very Respectfully

Your Ob't Serv't.

JOHN CHAMBERS.

Iowa City, May 5th, 1845.

[COPY]

EXECUTIVE OFFICE, BURLINGTON, IOWA, }
April 19, 1845. }

SIR—

I have this moment learned with deep regret that a citizen of Missouri, known by the name of William P. Linder, has been tried and convicted in the county of Davis in this Territory, upon an indictment for assault and battery, and kidnapping and falsely imprisoning one Frederick Achison, a citizen of this Territory, and that the charges involve a jurisdiction of the tract of country claimed by Missouri within the assigned limits of Iowa. Mr. Linder, as I learn, justifies the arrest which gave rise to the prosecution against him, under legal process issued by authority from the county of Adair in Missouri, and put into his hands as a Deputy Sheriff of that county. No official communication of the arrest of Mr. Linder, or the circumstances which gave rise to it, had been made to me, and the rumor of the collision had passed away under the impression on my part, and that of the Judge and Prosecuting Attorney of the Judicial District, that it had been a mere personal collision between individuals, of which it would be the best course to take no notice; but at the commencement of the term of the Territorial District Court in Davis county, last Monday, Mr. Preston Mullinix and Mr. Wm. P. Linder (the individual convicted) presented themselves in discharge of recognizances into which they had entered, and demanded to be tried. The case of Mr. Mullinix was postponed until the next term, and upon his refusal to give his *individual recognizance* for his appearance at the next term of the court, he was of necessity ordered to be committed to prison. Mr. Linder having urged an immediate trial, was indulged in it, and the result was, as I have stated, the effects of which I have hastened to prevent, so far as he is concerned, by extending to him an unconditional pardon. I have also pardoned Mr. Mullinix the offence imputed to him and ordered him to be released from custody.

Your Excellency will, I feel confident, unite with me in deeply regretting the effects of the unfortunate conflict of jurisdiction, which has given rise to these prosecutions, and will see the unpleasant predicament in which the territorial authorities are placed, without power to adjust the dispute, and yet bound to maintain jurisdiction over the limits assigned them by the General Government, or be considered unfaithful to their trust. You will observe that by thus presenting the sub-

ject, I intentionally avoid any discussion of the question of boundary—it would be useless for us to discuss that question, while Iowa remains without power to adjust it, or enter into any arrangement by which it can be judicially settled; and here it is proper that I should inform you that it is well understood here, though not yet officially ascertained, that the people have, at their election held on the first Monday of this month, refused to accept the Constitution prepared for them by their convention. Thus circumstanced, the territorial authorities can exercise no control over this difficult controversy, and it must for the present remain between the United States Government, and that of Missouri. Your Excellency will, therefore, I hope, pardon me for suggesting the propriety of an application from the State authorities of Missouri to Congress, for permission to litigate the subject of boundary, either with the territorial government, or directly with that of the United States. Such an application would, I have no doubt, be seconded by the Legislative Assembly of this Territory, and the embarrassments created by this vexed question be thus gotten rid of.

I had hoped that the act of Congress, entitled “An Act respecting the northern boundary of the State of Missouri,” approved June 17th, '44, might have led to a speedy and amicable adjustment of this dispute, but I have been favored with your Excellency's objections to the bill passed by the Senate and House of Representatives of your State, giving her consent to the manner of adjustment proposed by the act of Congress, and have therefore taken the liberty to suggest another mode, or rather an application to Congress to authorize another mode of adjustment. In the meantime, I have entire confidence that your Excellency will unite with me in using every practicable means of preventing any further collision between the authorities of your State and those of this Territory, until the existing difficulty can be removed.

I have the honor to be

Your Excellency's ob't serv't.

JOHN CHAMBERS.

His Excellency

JOHN C. EDWARDS, Gov. of Missouri.

A motion was made by Mr. Abbe, that eight hundred copies of the Message be printed.

A motion was made by Mr. Coop, that eight hundred be stricken out, and one thousand five hundred inserted.

To which the Council agreed.

The question then recurred upon the motion as amended,

Which was agreed to.

On motion of Mr. Brierly,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President announced the following Standing Committee of the Council.

On the Judiciary—Messrs. Hempstead, Leffler and Shelby.

On Finance—Messrs. Bradley, Brierly and Coop.

On Internal Improvements—Messrs. Brierly, Abbe and Ross.

On Schools—Messrs. Summers, Hempstead and Stephenson.

On Military Affairs—Messrs. Shelby, Coop and Bradley.

On Roads—Messrs. Coop, Thompson and Abbe.

On Public Buildings—Messrs. Abbe, Brattain and Summers.

On Territorial Affairs—Messrs. Leffler, Thompson and Bradley.

On Elections—Messrs. Ross, Abbe and Shelby.

On Engrossed Bills—Messrs. Brattain, Brierly and Summers.

On County Boundaries—Messrs. Thompson, Brattain and Coop.

On Claims—Messrs. Stephenson, Abbe and Bradley.

On Agriculture—Messrs. Leffler, Thompson and Stephenson.

On Enrolled Bills—Messrs. Summers, Shelby and Ross.

On Expenditures—Messrs. Brierly, Hempstead and Ross.

On Incorporations—Messrs. Hempstead, Leffler and Stephenson.

Mr. Hempstead from the select committee to whom was referred the resolution granting to Wm. Patterson, per diem pay and mileage, made the following Report:

The select committee to whom was referred a Resolution, allowing the sum of nine dollars for three days attendance on the Legislature, ask leave to report the same back to the Council and recommend, its rejection.

On motion of Mr. Leffler,

Ordered, That said report do lie upon the table.

On motion of Mr. Hempstead,

Ordered, That the vote upon the Resolution allowing James W. Woods, Secretary pro tempore, three dollars per day for his services, and twenty-four dollars mileage, be reconsidered.

Mr. Coop asked and obtained leave to withdraw said Resolution.

On motion of Mr. Leffler,

Ordered, That James W. Woods be allowed the sum of three dollars per day, for three days services as Secretary pro tempore of the Council, and that the Secretary of the Territory be authorized to pay him that sum.

On motion of Mr. Hempstead,

The petition of Ezra Allen and twelve other citizens of Buchanan county, praying that the acts of Joseph A. Reynolds of said county, as Justice of the Peace, be legalized, was taken from the Table.

Ordered, That the petition be referred to the committee on the Judiciary.

On motion of Mr. Abbe,

The petition of 24 citizens of Iowa Territory praying for the location of a Territorial Road from Marion in Linn county, to the boundary line in Fayette county,

Was taken from the table.

Ordered, That said petition be referred to the committee on Roads.

Mr. Hempstead presented the petition of 36 citizens of the Territory, praying an amendment to an act entitled "An Act for opening and regulating Roads and Highways.

Ordered, That said petition be referred to the committee on Roads.

The Council then adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, MAY 9TH, 1845.

Mr. Hempstead presented the petition of 115 citizens of the county of Dubuque, praying the passage of a law, authorizing the Board of Commissioners of Dubuque county, to levy a tax equal to one per centum, upon all real and personal property subject to taxation in said county.

Ordered, That said petition be referred to the committee on Finance.

Mr. Hempstead, from the select committee that was appointed to prepare rules for the government of the Council, made the following report :

"The select committee appointed to prepare rules for the government of the Council, have had the subject under consideration, and recommend the adoption of the rules of the session of the Council, commencing on the 5th day of December, A. D. 1842, with one amendment; that is to say, strike out of the 25th rule the words, "and one transcribing Clerk;" and also, all after the words, "be enquired into."

Ordered, That the report of the committee be agreed to.

On motion of Mr. Hempstead,

Ordered, That twenty-five copies of the rules, together with the list of the standing committees, be printed.

On motion of Mr. Abbe,

The Council resolved itself into committee of the Whole upon the Governor's Message; and after some time spent therein Mr. President resumed the Chair, and Mr. Summers reported:

"That the committee had, according to order, had said message under consideration, and directed him to report the same back to the Council without any action."

To which the Council agreed.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

I am directed to inform the Council that the House have appointed Messrs. Robertson, McCleary and Hancock, a committee on the part of the House, to act with a similar committee on the part of the Council, in framing rules for the government of the intercourse between the two Houses.

And then he withdrew.

On motion of Mr. Hempstead,

Ordered, That so much of the Governor's Message as relates to the proposed State Constitution, be referred to the committee on Territorial Affairs.

On motion of Mr. Shelby,

Ordered, That so much of the Governor's Message, as relates to the unsettled portion of the Territory now occupied by the Sac and Fox Indians, be referred to the committee on County Boundaries.

On motion of Mr. Hempstead,

Ordered, That so much of the Governor's Message, as refers to the boundary dispute between the Territory and the State of Missouri, be referred to the committee on the Judiciary.

On motion of Mr. Brattain,

Ordered, That so much of the Governor's Message, as refers to the printing of the laws of the extra session, be referred to the committee on Expenditures.

On motion of Mr. Hempstead,

Ordered, That so much of the Governor's Message, as relates to the appropriation made by Congress to defray the expenses of the present session of the Legislative Assembly, be referred to the committee on Expenditures.

On motion of Mr. Shelby,

Ordered, That so much of the Governor's Message, as relates to the sale of intoxicating liquors to the Indians, be referred to the committee on the Judiciary.

On motion of Mr. Hastings, (Mr. Summers officiating as President.)

Ordered, That so much of the Message, as relates to the calling out of the Militia during the disturbances with Missouri relating to the boundary be referred to the committee on the Militia.

On motion of Mr. Hastings,

Ordered, That so much of the Governor's Message, as relates to a legal adjustment of the controversy between the State of Missouri and this Territory, be referred to the committee on the Judiciary.

And then the Council adjourned until 2 o'clock P. M.

Two O'clock, P. M.

Mr. Shelby presented the petition of 58 citizens of the counties of Scott and Muscatine, praying the vacation of a certain county road running from Bloomington to Rockingham, and that a territorial road from Bloomington, to intersect the territorial road near the town of Davenport, be established.

Ordered, That the petition be referred to the committee on Roads.

Mr. Coop, from the joint committee appointed to prepare rules to regulate the intercourse between the two Houses, reported:

"The committee have had the subject under consideration, and instruct him to recommend for adoption the joint rules of the two Houses for the session of 1843."

Ordered, That the report of the committee be concurred in.

On motion of Mr. Coop,

Ordered, That the joint rules as recommended by the joint committee, be printed with the ordinary rules of the Council.

On motion of Mr. Hastings, (Mr. Leffler being in the Chair)

Ordered, That the committee on Finance be instructed to report a bill, to provide for the compensation of the members and officers of the convention to frame a Constitution for the State Government of Iowa, and for the incidental expenses thereof, out of the Territorial Treasury.

On motion of Mr. Hastings,

Ordered, That the committee on the Judiciary, be instructed to enquire into the expediency of changing the law relative to the selection of grand and petit jurors.

On motion of Mr. Hempstead,

Ordered, That the committee on Military Affairs, be instructed to enquire into the expediency of organizing the Militia of Iowa Territory, and to report by bill or otherwise.

On motion of Mr. Hastings,

Ordered, That the committee on Territorial Affairs, be instructed to enquire into and report to the Council, the term of service of the present members of the Council and House of Representatives, and when under existing laws, the same will expire.

On motion of Mr. Coop,

Ordered, That the committee on Territorial Affairs, be instructed to enquire into the expediency of passing a law, submitting the Constitution of the State of Iowa to the people, authorizing them to vote for and against it, at the next general election; and that said committee report by bill or otherwise.

A motion was made by Mr. Abbe,

That the Council adjourn until Monday morning at 10 o'clock,

Which was not agreed to.

Mr. Bradly moved that the Council adjourn until to-morrow morning at 10 o'clock,

Which was decided in the affirmative.

Yeas 9. Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brattain, Brierly, Hempstead, Leffler, Ross, Shelby, Stephens and Thompson.

Those who voted in the negative were—Messrs. Abbe, Coop, Summers and Mr. President.

The Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, MAY 10TH, 1845.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

The House have appointed Messrs. Johnson, Downey and Taylor a committee on the part of the House, to act in connection with a similar committee on the part of the Council, to ascertain and report on what day the present session may be brought to a close without injury to the public interest.

And then he withdrew.

Mr. Summers presented the petition of Geo. W. Fitch, President of the Subscribers for erecting a Dam across the Muscatine Slough, praying that the name of said body may be known as the "Muscatine Company," and that under such name they may enjoy corporate privileges.

Ordered, That said petition be referred to the committee on Incorporations.

On motion of Mr. Thompson,

Ordered, That the committee on the Judiciary, be instructed to enquire into the expediency of providing for an additional term of the District Court in Lee county, and report by bill or otherwise.

Mr. Summers, in accordance with previous notice, introduced No. 1 C. F. A bill to guard against diseases among horses,

Which was read a first time.

Mr. Hastings, in accordance with previous notice, (Mr. Hempstead in the Chair,) introduced No. 2. C. F. A bill to amend an act entitled "An Act to provide for the partition of real property,"

Which was read a first time.

Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr. Hastings,

Ordered, That C. F. No. 1. A bill to guard against diseases among horses, be taken from the table and read a second time.

The bill was then read a second time by its title.

Ordered, That said bill be referred to a committee of the Whole, and made the order of the day for Monday next.

On motion of Mr. Summers,

Ordered, That the message from the House of Representatives be taken up and considered.

Ordered, That a committee of three members be appointed on the part of the Council, in accordance with the terms of the request set forth in the message, to confer with a similar committee on the part of the House, to ascertain on what day the present session may be brought to a close, without injury to the public interest.

Messrs. Summers, Leffler and Shelby were appointed said committee.

Ordered, That the Secretary acquaint the House of Representatives thereof.

On motion of Mr. Hastings,

The Council adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, MAY 12TH, 1845.

On motion of Mr. Coop,

Ordered, That the committee on Elections, be instructed to enquire into the propriety of passing a law at the present session, authorizing the several assessors of this Territory to take the census, so as to enable the Legislature at some subsequent session, to make an apportionment of the members of the Council and House of Representatives at the next election for members of the Council, and that they report by bill or otherwise.

On motion of Mr. Shelby,

Ordered, That the committee on Territorial Affairs, be instructed to enquire into the expediency of abolishing the office of Territorial Agent,

and transferring the duties of said office to the Auditor of Public Accounts, or the Territorial Treasurer, and that they have leave to report by bill or otherwise.

On motion of Mr. Shelby,

Ordered, That the committee on Internal Improvements, be instructed to enquire into the propriety of memorializing Congress, for the purpose of obtaining a grant of land to improve the navigation of the Desmoines river.

Mr. Summers, from the committee on Engrossed Bills, reported

No. 2. C. F. A bill to amend an act entitled, "An Act to provide for the partition of real property," as correctly engrossed.

Mr. Bradley, from the committee on Finance, to whom was referred the petition of 114 citizens of Dubuque county, praying the passage of a law authorizing the Board of Commissioners of Dubuque county to raise the rate of taxation in said county equal to one per centum, reported,

No. 3. C. F. A bill to authorize the Board of Commissioners of the county of Dubuque, to levy a tax on all real and personal estate, now subject to taxation in said county.

Mr. Coop, from the committee on Roads, to whom was referred the petition of sundry citizens of the counties of Muscatine and Scott, praying the relocation of a road leading from Bloomington to Davenport, &c. introduced,

No. 4. C. F. A bill to establish a territorial road from Bloomington to Davenport.

Mr. Hempstead, from the committee on the Judiciary, in accordance with an order previously made reported,

No. 5. C. F. A bill to provide for holding an additional term of the District Court, in and for the county of Lee.

Said bills were severally read a first time.

The President laid before the Council the report of the Territorial Treasurer,

Which was read.

On motion of Mr. Brierly,

Ordered, That 240 copies of the report be printed.

The President also laid before the Council, the report of the Territorial Agent,

Which was read.

On motion of Mr. Hempstead,

Ordered, That said report be referred to the committee on Territorial Affairs.

Mr. Hastings presented the petition of 15 citizens of Muscatine county, praying that the name of the town of Salem in said county, be changed to Fairport:

Also, the petition of 11 citizens of Muscatine county, praying the passage of a law prohibiting any person from keeping or running boats for hire across the Mississippi river, unless they have a charter or license so to do;

Also, that the charter heretofore granted to Samuel H. Collier and Henry DeCamp to keep a ferry at Wyoming, be repealed.

On motion of Mr. Hastings,

Ordered, That said petitions be referred to the committee on Incorporations.

Mr. Hastings, on leave introduced,

No. 6. C. F. A bill to amend an act entitled, "An Act defining the jurisdiction of the Supreme Court, and regulating the practice therein."

Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Hastings, on leave introduced,

No. 7. C. F. Joint resolution providing for the publication of the laws of the present session,

Which was read a first time.

A motion was made that the resolution be read a second time now.

Which motion was lost.

Mr. Hastings on leave, introduced,

No. 8. C. F. Joint resolution relative to the adjournment of the Legislative Asskmbly,

Which was read a first time.

Mr. Shelby, in accordance with previous notice, introduced;

No. 9. C. F. A bill to amend an act entitled, "An Act allowing and regulating writs of attachment.

Ordered, That the bill be read a second time now.

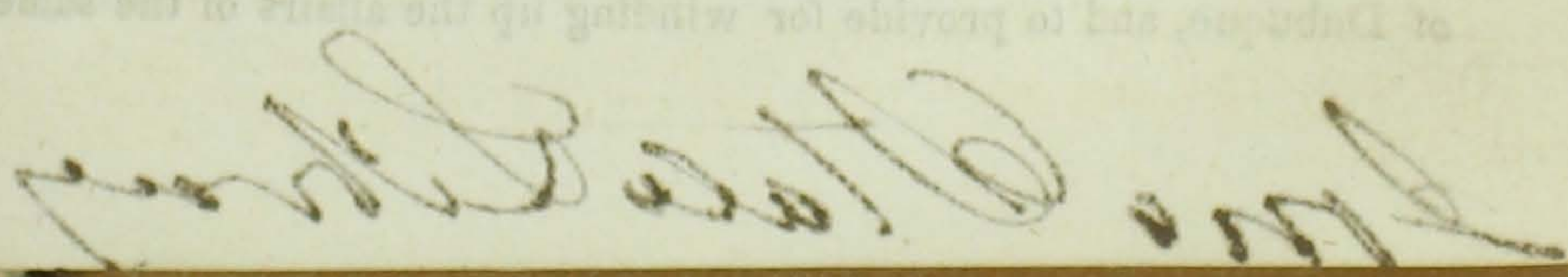
On motion of Mr. Shelby,

Ordered, That said bill be referred to the committee on the Judiciary.

A motion was made by Mr. Hastings, that

No. 8. C. F. Joint resolution relative to the adjournment of the Legislative Assembly, be read a second time now.

The motion was lost.



No. 2. C. F. A bill to amend an act entitled, "An Act to provide for the partition of real property,"

Was read a third time.

On motion of Mr. Brierly,

Ordered, That said bill be laid upon the table until Wednesday next.

No. 1. C. F. A bill to guard against diseases among horses, being the order of the day,

On motion of Mr. Brierly,

The Council resolved itself into committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Leffler reported,

"That the committee have, according to order, had said bill under consideration, and directed him to report the same back to the Council with one amendment,"

To which the Council agreed.

On motion of Mr. Shelby,

Ordered, That said bill be referred to the committee on Internal Improvements.

And then the Council adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, MAY 13, 1845.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

The House has appointed Messrs. Munger and Hancock a committee on the part of the House, to act with a similar committee to be appointed on the part of the Council, in conferring on the term of service which the law requires of the members of this Legislature, and report proceedings as early as practicable.

The House have passed No. 1, H. R. file, A bill to incorporate the University of Iowa.

No. 2, H. R. file, A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same.

Am. State Library

In all of which the concurrence of the Council is requested.

I am also directed to inform the Council, that the House have concurred in the report of the joint committee, to prepare rules to regulate the intercourse between the two Houses, and have adopted the joint rules for the Houses for the session of 1843-'44.

Mr. Coop presented the petition of 93 citizens of Wapello county, praying that the name of the town of Louisville in said county, be changed to that of Ottumwa.

On motion of Mr. Coop,

Ordered, That said petition be referred to a select committee composed of three members.

Messrs. Coop, Abbe and Shelby were appointed said committee.

Mr. Coop presented the petition of Silas Deeds of Jefferson county, praying for a divorce from his wife Lucy Ann Deeds.

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Shelby from the committee on Military Affairs, to whom was referred so much of the Governor's Message, as relates to the calling of the militia into service, to protect the citizens of the Territory against of the citizens of the state of Missouri, made a report, which was read.

On motion of Mr. Leffler,

Ordered, That 240 copies of the report be printed, and that the committee be discharged from the further consideration of the subject.

Mr. Coop from the committee on roads, to whom was referred the petition of 34 citizens of Iowa Territory, praying an amendment of an act entitled 'An Act for opening and regulating roads and highways, reported No. 10, C. F. A bill to amend an act entitled "An Act for opening roads and highways.

Which was read a first time.

Ordered, That 50 copies of said bill be printed.

Mr. Hempstead from the committee on the Judiciary, to whom was referred the petition of 13 citizens of Buchanan county, praying that the acts of Joseph A. Reynolds, a justice of the peace for said county, may be legalized, reported

No. 11, C. F. A bill to make valid in law the acts of Joseph A. Reynolds, a justice of the peace in and for the county of Buchanan.

Said bill was read a first time.

Mr. Ross from the committee on Elections, in accordance to order, reported

No. 12, C. F. A bill to provide for taking the census for the apportionment of the members of the Legislative Assembly.

Which was read a first time.

On motion of Mr. Coop,

Ordered, That fifty copies of said bill be printed.

Mr. Hempstead from the committee on Incorporations, to whom was referred the petition of Geo. W. Fitch, President of the subscribers for erecting a dam across the Muscatine Slough, reported

No. 13, C. F. A bill to amend an act entitled "An Act for erecting a dam across the Muscatine Slough," approved 5th February, 1844.

Which was read a first time.

No. 3, C. F. A bill to authorize the Board of Commissioners of Dubuque county, to levy a tax on all real and personal estate, now subject to taxation in said county;

Was read a second time

On motion of Mr. Hempstead,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Hempstead from the committee on the Judiciary, to whom was referred,

No. 9, C. F. A bill to amend an act entitled "An Act allowing and regulating writs of attachment," reported the same back to the House with amendments;

Which was read a first time,

No. 4, C. F. A bill to establish a territorial road from Bloomington to Davenport,

Was read a first time.

On motion of Mr. Summers,

Ordered, That said bill do lie upon the table.

No. 5, C. F. A bill to provide for holding an additional term of the District Court, in and for the county of Lee,

Was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 7, C. F. Joint Resolution providing for the publication of the Laws of the present session,

Which was read a first time.

On motion of Mr. Summers,

Ordered, That said resolution be referred to the committee on Expenditures.

No. 8, C. F. Joint Resolution relative to the adjournment of the Legislative Assembly,

Was read a second time.

A motion was made by Mr. Hempstead,

That said Resolution be indefinitely postponed.

Which was decided in the affirmative.

Yays 11—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Ross, Stephenson, Summers and Thompson.

Those who voted in the negative were—Mr. Shelby and Mr. President.

So the Resolution was indefinitely postponed.

No. 1, H. R. file, A bill to incorporate the University of Iowa,

Was read a first time.

On motion of Mr. Hempstead,

Ordered, That said bill be read a second time now.

The bill was then read a second time.

Ordered, That said bill be referred to the committee on Incorporations.

No. 2. H. R. file, A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for wind up the affairs of the same,

Was read a first time.

On motion of Mr. Hempstead,

Ordered, That said bill be read a second time now.

The bill was then read a second time.

A motion was made by Mr. Hempstead,

That the Council resolve itself into a committee of the Whole, upon said bill.

The motion was lost.

On motion of Mr. Shelby,

Ordered, That said bill be referred to the committee on Incorporations.

The Secretary of the Territory was announced, with a Message from the Governor.

The President announced that the message was upon executive business.

On motion of Mr. Summers,

Ordered, That the Council resolve itself into an Executive Session.

After some time spent therein, the Executive session arose.

Mr. Hempstead from the committee on Incorporations, to which was referred the petition of citizens of Muscatine county, praying to change the name of the village of Salem in said county, reported,

No. 14, C. F. A bill to change the name of the village of Salem in the county of

Which was read a first time.

On motion of Mr. Summers,

Ordered, That the bill be read a second time now.

The bill was then read a second time.

Ordered, That the blank in said bill be filled with the word, "Muscatine."

On motion of Mr. Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

Mr. Coop gave notice that he would on to-morrow or some day thereafter, introduce

A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods and estray animals.

Mr. Ross gave notice that he would on to-morrow, or on some day thereafter, ask leave to introduce

A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties, and regulate their proceedings, approved, February 9th, 1843. Also,

A bill to amend "An Act defining the duties of County Surveyors," approved, February 9, 1843. Also,

A bill to amend "An Act regulating Grocery license, approved, Jan. 4th, 1840.

On motion of Mr. Hempstead,

Ordered, That the committee on the Judiciary to whom was referred the petition of Silas Deeds, praying a divorce from his wife Lucy Ann Deeds, have power to send for persons and papers.

On motion of Mr. Brierly,

The Council adjourned until this afternoon at 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the House of Representatives by Mr. Thompson their Chief Clerk.

Mr. President—

The House have passed No. 11, H. R. file, A bill for the relief of S. J. Burr, Secretary of Iowa Territory;

In which the concurrence of the Council is requested.

And then he withdrew.

No. 11, H. R. file, A bill for the relief of S. J. Burr Secretary of Iowa Territory,

Was read a first and second time, and

On motion of Mr. Hempstead,

Ordered, That the Rules be suspended, and the bill be read a third time now.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Hempstead,

Ordered, That a committee of three members, be appointed to act with a similar committee appointed on the part of the House, to confer relative to the term of service which the law requires for the members of the present Legislative Assembly, and when such service shall expire.

The Chair announced Messrs. Hempstead, Summers and Brattain said committee.

Mr. Summers asked to be excused from serving upon said committee:

And the question being put, will the Council excuse Mr. Summers,

Was decided in the negative.

Yeas 3—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Leffler, Shelby and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Ross and Thompson.

So the House refused to excuse.

On motion of Mr. Leffler

Ordered, That the committee on Territorial Affairs, be discharged from the further consideration of the resolution, requiring said committee to enquire into the length of service of the present members of the Legislative Assembly.

Mr. Brattain from the committee on Engrossed Bills, reported

No. 14, C. F. A bill to change the name of the village of Salem in the county of Muscatine.

No. 3, C. F. A bill to authorize the Board of Commissioners of the county of Dubuque, to levy a tax on all real and personal estate now subject to taxation, in said county.

No. 5, C. F. A bill to provide for holding an additional term of the District Court in and for the county of Lee.

On motion of Mr. Summers,

Ordered, That the 13th Rule be suspended, and the above bills be read a third time now.

The said bills were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 13, C. F. A bill to amend an act entitled "An Act to incorporate subscribers for erecting a dam across the Muscatine Slough,"

Was read a second time.

On motion of Mr. Summers,

Ordered, That the bill be engrossed, and read a third time on to-morrow.

Mr. Leffler from the committee on Territorial Affairs, to which was referred a resolution of the Council requiring them to enquire into the expediency of abolishing the office of Territorial Agent, Also

To which was referred the Report of the Territorial Agent, reported,

C. F. No. 15, A bill to abolish the office of Territorial Agent.

Which was read a first time.

On motion of Mr. Hempstead,

Ordered, That the bill be read a second time now.

The bill was read a second time.

On motion of Mr. Shelby,

Ordered, That said bill be referred to a committee of the whole Council, and made the order of the day for to-morrow.

On motion,

The Council adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, MAY 14TH, 1845.

The President announced Messrs. Shelby and Ross on the part of the Council, as the joint committee on Enrollments.

Mr. Brierly, from the committee on Expenditures, to which was referred,

No. 7. C. F. Joint resolution providing for the publication of the laws of the present session, reported the same back to the Council without amendment.

To which the Council agreed.

Mr. Brierly, from the committee on Internal Improvements, to which was referred,

No. 1. C. F. A bill to guard against diseases among horses, reported:

"That the majority of said committee recommend its rejection.

"Also, that the minority of said committee recommended the passage of said bill."

The question being put, will the Council concur in the report of the majority of the committee?

It was decided in the affirmative.

So the bill was rejected.

Mr. Coop, from the committee on Roads, to which was referred the petition of 24 citizens of the Territory, praying the location of a territorial road from Marion, in Linn county, to the boundary line in Fayette county, in a direct line to Fort Atkinson, reported,

No. 16. C. F. A bill to establish a territorial road from Marion in Linn county, to the boundary, in a direct line to Fort Atkinson,

Which was read a first time.

Mr. Brattain, from the committee on Engrossed Bills, reported

No. 13. C. F. A bill to amend an act entitled, "An Act to incorporate the Subscribers for erecting a Dam across the Muscatine Slough," approved, Feb. 5, 1844, as correctly engrossed.

Mr. Coop, from the select committee to which was referred the petition of 93 citizens of Wapello county, praying that the name of the town of Louisville in said county may be changed, reported

No. 17. C. F. A bill to change the name of the town of Louisville in the county of Wapello,

Which was read a first time.

On motion of Mr. Abbe,

Ordered, That the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Coop,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Leffler, from the committee on Territorial Affairs, to which was referred so much of the Governor's Message as relates to the formation of a State Government, reported

No. 18. C. F. A bill to submit to the people the draft of a Constitution formed by the late convention,

Which was read a first time.

On motion of Mr. Abbe,

Ordered, That 50 copies of said bill be printed,

No. 9. C. F. A bill to amend an act entitled, "An Act allowing and regulating writs of attachment,

Was read a second time.

On motion of Mr. Brierly,

Ordered, That the Council resolve itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Brierly reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council without amendment.

On motion of Mr. Hempstead,

Ordered, That fifty copies of said bill be printed.

No. 11. C. F. A bill to make valid in law the acts of Joseph A. Reynolds, a justice of the peace, in and for the county of Buchanan,

Was read a second time.

On motion of Mr. Hempstead,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 13. C. F. A bill to amend an act entitled, "An Act to incorporate the Subscribers for erecting a Dam across the Muscatine Slough,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 15. C. F. A bill to abolish the office of Territorial Agent,
Was read a second time.

The Council resolved itself into committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Coop reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with amendments,

To which the Council agreed.

On motion of Mr. Leffler,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 2. C. F. A bill to amend an act entitled, "An Act to provide for the partition of real property," being the order of the day,

The Council resolved itself into committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Shelby reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with amendments,

To which the Council agreed.

On motion of Mr. Hempstead,

Ordered, That said bill be engrossed and read a third time on Friday next.

And then the Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

No. 7, C. F. Joint Resolution providing for the publication of the Laws of the present session, was taken up, and the report of the committee on Expenditures concurred in.

The resolution was then read second time.

A motion was made by Mr. Summers, that said resolution be indefinitely postponed, which was decided in the affirmative,

Ayes 10—Nays 1.

The yeas and nays being demanded and they were ordered,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Leffler, Ross, Shelby, Summers, and Thompson.

President voting in the negative.

So the resolution was indefinitely postponed,

Mr. Ross in accordance with previous notice and upon leave being granted, introduced

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings, approved, Feb. 9th, 1843."

Also, No. 20, C. F. A bill to amend "An Act defining the duties of County Surveyors, approved, Feb. 9th, 1843."

Mr. Hempstead, from the committee on Incorporations, to which was referred No. 2, H. R. file, a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up the affairs of the same, on leave being granted, made a report which was read.

On motion,

Ordered, That the report of the committee be concurred in.

On motion of Mr. Summers,

Ordered, That the said bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Shelby,

Ordered, That the 13th Rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed in the affirmative.

Yeas 11—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson, and Mr. President.

Mr. Ross voting in the negative.

Ordered, That the Secretary acquaint the Council therewith.

On motion of Mr. Leffler,

Ordered, That 240 copies of the report of the committee on Incorporations, relative to the Miners' Bank of Dubuque, be printed.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

Mr. President—

I am directed to inform the Council that the House have passed No. 15, H. R. file, A bill amendatory of an act entitled "An Act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory, approved, Feb. 12th, 1844," in which the concurrence of the Council is requested.

And then he withdrew.

On motion of Mr. Hempstead.

Ordered, That said bill be read a second time now.

The bill was then read a second time.

A motion was made by Mr. Brierly that the Council adjourn until to-morrow morning at 9 o'clock.

The motion was lost.

A motion was made by Mr. Abbe, that the Council adjourn until 10 o'clock to-morrow morning.

Which was decided in the affirmative.

Yeas 7—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, and Leffler.

Those who voted in the negative were—Messrs. Ross, Shelby, Summers, Thompson and Mr. President,

So the Council adjourned until 10 o'clock to-morrow morning.

THURSDAY MORNING, MAY 15TH, 1845.

On motion of Mr. Ross,

Ordered, That the committee on the Judiciary, be instructed to inquire into the propriety of passing a law to prohibit appeals made from justices of the peace, in cases where a jury has been called, and the claims of either party do not exceed the sum of twenty dollars, and report by bill or otherwise.

Mr. Brattain, from the committee on Engrossed Bills, reported

No. 11, C. F. A bill to make valid in law, the acts of Joseph A. Reynolds, a justice of the peace in and for the county of Buchanan.

No. 15, C. F. A bill to abolish the office of Territorial Agent.

No. 17, C. F. A bill to change the name of the town of Louisville, in the county of Wapello.

As correctly engrossed.

No. 16, C. F. A bill to establish a territorial road from Marion, in Linn county, to the boundary, in a direct line to Fort Atkinson; was read a second time,

On motion of Mr. Abbe,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 19, C. F. A bill to amend an act entitled, "An Act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings, approved, Feb. 9th, 1843."

No. 2, D. C. F. A bill to amend "An Act defining the duties of County Surveyors, approved, Feb. 9, 1843."

Said bill were severally read a second time.

Ordered, That said bills be engrossed and read a third time on Tuesday next.

No. 12, C. F. A bill to provide for taking the census, for the apportionment of the Legislative Assembly,

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill be referred to the committee on Territorial Affairs.

No. 10, C. F. A bill to amend an act entitled "An Act for opening Roads and highways,"

Was read a second time.

On motion of Mr. Summers,

Ordered, That the bill be referred to a committee of the whole Council, and made the order of the day for to-morrow.

No. 11, C. F. A bill to make valid in law, the acts of Joseph A. Reynolds, a justice of the peace in and for the county of Buchanan.

No. 15, C. F. A bill to abolish the office of Territorial Agent.

No. 17, C. F. A bill to change the name of the town of Louisville in the county of Wapello,

Were severally read a third time, passed, and their titles agreed to. Order, That the Secretary acquaint the House therewith,

No. 15, H. R. file, A bill amendatory of an act entitled, "An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory, approved, Feb. 12, 1844,"

Was read a third time.

On motion of Mr. Ross,

Ordered, That said bill be laid upon the table until Tuesday next.

On motion of Mr. Abbe,

C. F. No. 4, was taken from the table, and read a second time.

Ordered, That the Council resolve itself into a committee of the whole Council upon said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Bradley reported that

The committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council, with amendments.

To which the Council agreed.

On motion of Mr. Brierty,

Ordered, That the bill be engrossed and read a third time on to-morrow.

Mr. Hempstead, from the committee on Incorporations, to which was referred,

No. 1, H. R. file, A bill to incorporate the Iowa University, reported the same back to the house with an amendment.

On motion of Mr. Shelby,

Ordered, That said bill be referred to a committee of the whole Council, and made the order of the day for Monday next.

And then the Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, MAY 16TH, 1845.

Mr. Brierty from the committee on Internal Improvements, in accordance with an order previously made, reported,

No. 21, C. F. Memorial to Congress for the purpose of obtaining a

grant of land for the improvement of the Des Moines river.

On motion of Mr. Summers,

Ordered, That the memorial be read a second time now.

The memorial was then read a second time.

Ordered, That the memorial be engrossed and read a third time on Monday next.

Mr. Bradley from the committee on Finance, to which was referred a resolution instructing the committee to report, a bill to provide for the expenses of the Convention to form a State Constitution, reported,

No. 22, C. F. A bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the first Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa.

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr. Brattain from the committee on Engrossed bills, reported,

No. 4, C. F. A bill to establish a territorial road from Bloomington to Davenport.

No. 16, C. F. A bill to establish a territorial road from Marion in Linn county to the boundary, in a direct line to Fort Atkinson.

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," approved, February 9, 1843.

No. 20, C. F. A bill to amend "An Act defining the duties of County Surveyors," approved, February 9th, 1843,

As correctly engrossed.

No. 18, C. F. A bill to submit to the people the draft of a Constitution formed by the late Convention,

Was taken up.

Ordered, That the further consideration of said bill be postponed until Monday next, and made the order of the day in committee of the whole Council.

No. 9, C. F. A bill to amend an act entitled "An Act allowing and regulating writs of attachment,"

Was taken up.

Ordered, That the further considered of said bill be postponed, until Wednesday next, and made the order for that day in committee of the whole Council,

No. 10, C. F. A bill to amend an act entitled "An Act for opening roads and highways,

Was read a second time.

Ordered, That the further consideration of said bill be indefinitely postponed.

No. 2. C. F. A bill to amend an act entitled, "An Act to provide for the partition of real estate."

No. 4, C. F. A bill to establish a territorial road from Bloomington to Davenport,

No. 16, C. F. A bill to establish a territorial road from Marion in Linn county, to the Indian boundary,

Were severally read a third time, and the title of No. 16, C. F. amended.

The said bills were then passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith

On motion of Mr. Ross,

Ordered, That No. 15, H. R. file, A bill amendatory of an act entitled "A Act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, February 12, 1844,

Be taken from the table.

Ordered, That the bill be read a read time.

The bill was then read a third time and passed, and its title amended and agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Ross in accordance with previous notice, introduced,

No. 23. C. F. A bill to amend "An Act regulating Grocery license," approved, January 4, 1840.

A motion was made by Mr. Hastings, (Mr. Hempstead officiating as President,)

That one copy of said bill be printed,

Which was decided in the negative.

Yeas 3—Nays 9.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brierly, Hempstead and Mr President.

Those who voted in the negative were—Messrs. Abbe, Bradley Brattain, Coop, Leffler, Ross, Shelby, Summers and Thompson.

So the Council refused to print.

A motion was made by Mr. Summers,
That the Council adjourn until Monday morning at 10 o'clock,
Which was decided in the negative.

Yeas 3—Nays 7.

The yeas and nays being demanded,
Those who voted in the affirmative were—Messrs. Abbe, Summers
and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brattain,
Brierly, Coop, Hempstead, Leffler, Ross, Shelby and Thompson.

On motion of Mr. Leffler,
Ordered, That the President have leave of absence until Monday
next; and that Mr. Hempstead officiate as President during said ab-
sence.

A motion was made by Mr. Shelby,
That the Council adjourn until 2 o'clock, P. M.

Which was decided in the affirmative.

Yeas 7—Nays 4.

The yeas and nays being demanded,
Those who voted in the affirmative were—Messrs. Bradley, Brattain,
Coop, Hempstead, Leffler, Shelby and Thompson.

Those who voted in the negative were—Messrs. Abbe, Brierly,
Ross and Summers.

So the Council adjourned until two o'clock, P. M.

Two O'clock, P. M.

A message from the House of Representatives, by Mr. Thompson
their Chief Clerk.

Mr. President—

The House have directed me to inform the Council, that they have
concurred unanimously in the report of the committee appointed on the
part of the House, to confer with a similar committee, to be appointed
on the part of the Council, on the subject of the length of the term

which the law requires of the members of the House of Representatives of the present session, and they are of opinion that the term of service of the present members of the House, will not expire until the seventh day of April, 1846.

The House have passed,

No. 13, C. F. A bill to amend an act entitled "An Act to incorporate the subscribers for erecting a dam across the Muscatine Slough," approved 5th February, 1844. Also,

No. 14, H. R. file, A bill to amend an act entitled "An Act regulating practice in the District Courts in the Territory of Iowa," approved February 10, 1843.

Also,

No. 6, H. R. file, A bill to amend an act entitled "An Act to provide for assessing and collecting public revenue," approved, February 15th, 1844.

Also,

No. 7, H. R. file, A bill to prevent the destruction of notices, advertisements, &c.

In which the concurrence of the Council is respectfully requested.

The House have appointed Messrs. Munger and Wilson, a joint committee on enrollments, to act with a similar committee on the part of the Council.

The House have passed

No. 3, C. F. A bill to authorize the Board of Commissioners of Dubuque county, to levy a tax on all real and personal estate, now subject to taxation in said county;

No. 5, C. F. A bill to provide for holding an additional term of the District Court, in and for the county of Lee,

No. 14. C. F. A bill to change the name of the village of Salem, in the county of Muscatine, and

No. 15. C. F. A bill to abolish the office of Territorial Agent, with several amendments. Also:

No. 17. H. R. file, A bill to amend an act entitled, "An Act regulating marriages," approved January 6th 1840.

No. 13. H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved, Jan. 7th, 1840.

No. 22. H. R. file, A bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the county of Clayton.

No. 23. H. R. file, A bill to amend an act entitled, "An Act allowing and regulating writs of attachment," approved, Feb. 16th, 1843."

No. 27. H. R. file, A bill to amend an act entitled, "An Act to vacate a part of the Town Platt of Port Allen, and to legalize the re-location of a part of a Territorial road," approved, 13th Feb. 1843.

In all which, the concurrence of the Council is requested.

They have also passed

No. 17. C. F. A bill to change the name of the town of Louisville, in the county of Wapello.

And then he withdrew.

On motion of Mr. Summers,

Ordered, That No. 15. C. F. A bill to abolish the office of Territorial Agent, as amended by the Council,

Be taken up and considered.

Ordered, That the first amendment be concurred in.

Ordered, That the Council concur in the proviso made to the second section.

On motion of Mr. Summers,

The Council refused to concur in the amendment made by the House, by which \$150 is stricken out of the second section, and \$75 inserted.

No. 6. H. R. file, A bill to amend an act entitled, "An Act to provide for assessing and collecting public revenue," approved Feb. 15th, 1844.

No. 7. H. R. file, A bill to prevent the destruction of notices, advertisements, &c.

No. 13. H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved Jan, 7th, 1840.

No. 14. H. R. file, A bill to amend "An Act regulating practice in the District Courts in the Territory of Iowa," approved February 10th, 1843.

No. 17. H. R. file, A bill to amend an act entitled, "An Act regulating marriages," approved Jan. 6th, 1840.

No. 22. H. R. file, A bill to legalize the acts of Charles E. Bensil, former recorder of deeds in the county of Clayton.

No. 23. H. R. file, A bill to amend an act entitled, "An Act allowing and regulating writs of attachment," approved Feb. 16th, 1843.

Said bills were severally read a first time.

No. 27. H. R. file, A bill to amend an act entitled, "An Act to vacate a part of the town platt of Port Allen, and to legalize the relocation of a part of a territorial road," approved Feb. 13th, 1843,

Was read a first time.

On motion of Mr. Summers,

Ordered, That said bill be read a second time now.

The bill was then read a second time.

Ordered, That the bill be read a third time on to-morrow.

And the Council adjourned until 10 o'clock to morrow morning.

SATURDAY MORNING, MAY 17TH, 1845.

Mr. Summers, from the joint committee, appointed to ascertain at what time the Legislative Assembly could adjourn, without injury to the public interest, reported

No. 24. C. F. Joint resolution, providing for the adjournment of the Legislative Assembly,

Which was read a first time.

Mr. Shelby, from the joint committee on Enrollments, reported,

An Act to amend an act entitled, "An Act to incorporate the subscribers for erecting a dam across the Muscatine Slough," approved, Feb. 5th, 1844;

An Act to change the name of the village of Salem in the county of Muscatine;

An Act to change the name of the town of Louisville, in the county of Wapello;

An Act to authorize the Board of Commissioners of the county of Dubuque, to levy a tax on all real and personal estate, now subject to taxation in said county;

An Act to provide for holding an additional term of the District Court in and for the county of Lee;

As correctly enrolled.

Ordered, That the Secretary present said Acts to the Speaker of the House of Representatives for his signature.

Mr. Brattain, from the committee on Engrossed Bills, reported

No. 21. C. F. Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Des Moines river;

No. 22. C. F. A bill to provide for the payment of the expenses of the Convention which assembled in Iowa City on the first Monday in

October, A. D. 1844, to frame a constitution for the future State of Iowa;

As correctly engrossed.

No. 6. H. R. file, A bill to amend an act entitled, "An Act to provide for assessing and collecting public revenue," approved Feb. 15th, 1844,

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill be referred to the committee on Territorial Affairs.

No. 7. H. R. file, A bill to prevent the destruction of notices, advertisements, &c.,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 13. H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved, Jan. 7th, 1840,

Was read a second time.

A motion was made by Mr. Abbe,

That the further consideration of the bill be postponed until the 4th day of July next.

The motion was lost.

On motion of Mr. Leffler,

Ordered, That said bill be referred to a select committee, composed of the delegation from Dubuque, Jackson, &c. and from Washington &c.

No. 14. H. R. file, A bill to amend an act entitled, "An Act regulating practice in the District Courts in the Territory of Iowa,

Was read a second time.

On motion of Mr. Abbe,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 17. H. R. file, A bill to amend an act entitled, "An Act regulating marriages," approved, Jan. 6th 1840,

Was read a second time.

Ordered, That said bill be referred to the committee on Finance.

No. 22. H. R. file, A bill to legalize the acts of Charles E. Bensil former recorder of deeds in the county of Clayton,

Was read a second time.

On motion of Mr. Abbe,

Ordered, That said bill be read a third time on Monday next.

No. 23. H. R. file, A bill to amend an act entitled, "An Act allowing and regulating writs of attachment," approved Feb, 16th, 1843,

Was read a second time,

On motion of Mr. Bradley,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 27, H. R. file, A bill to amend an act entitled, "An Act to vacate a part of the town plat of Port Allen, and to legalize the relocation of a part of a territorial road," approved, Feb. 13th, 1843,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 21, C. F. Memorial to Congress, for the purpose of obtaining a grant of land for the improvement of the Des Moines river,

Was read a second time.

On motion of Mr. Shelby,

Ordered, That the memorial be referred to a committee of the Whole and made the order of the day for Monday next.

And the Council adjourned until Monday morning at 10 o'clock:

MONDAY MORNING, MAY 19TH, 1845.

Mr. Bradley presented the petition of 44 citizens of Jackson county, said petition sets forth, that the charter heretofore granted Joseph J. Kirkpatrick, to keep a ferry across the Mississippi river, at the town of Bellview in Jackson county, is forfeited:

Also,

Praying that a charter be granted to Hugh Neeper, to keep a ferry at said town.

Ordered, That said petition be referred to the committee on Incorporations.

On motion of Mr. Summers,

Ordered, That the committee on the Judiciary, be instructed to in-

quire into the expediency of providing by law for a term of the Supreme Court, to be held in July of each year; and making all writs of Error from the spring Courts, returnable to that term, and report to the Council by bill or otherwise.

On motion of Mr. Stephenson,

Ordered, That the committee on the Judiciary, be instructed to inquire into the expediency of so amending an act entitled, "An Act to punish for trespass on School Lands, and other lands," approved, Jan. 17th, 1840, as shall make it the duty of the township trustees, to act as trustees of the School Lands, or sixteenth section, in their respective organized townships; and that said committee report on Wednesday next:

Also,

So to amend the fourth section of said Act, as to make it a misdemeanor for the violation of said section; and that the punishment for the violation of said section, be fine or imprisonment, or both, and that the said committee have leave to report by bill or otherwise.

Mr. Bradley, from the committee on Finance, to which was referred, No. 17, H. R. file, A bill to amend an act entitled, "An Act regulating marriages," approved, Jan. 6th, 1840, reported

That the committee had had said bill under consideration, and are of the opinion, that the Act now in force regulating marriages, is satisfactory to the people, as no petitions for an alteration of the same, have been presented to the Legislature; and a frequent change of laws operates very much to the injury of any community, and would therefore recommend the adoption of the following resolution:

Resolved by the Council, That the further consideration of the bill to amend an act entitled, "An Act regulating marriages," approved Jan. 6th, 1840, be indefinitely postponed.

Ordered, That the report of the committee be concurred in, and the said resolution be adopted:

So the further consideration of the said bill was indefinitely postponed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Hempstead, from the committee on the Judiciary, to which was referred

No. 7, H. R. file A bill to prevent the destruction of notices, advertisements, &c., reported the same back to the Council with an amendment,

To which the Council agreed.

The bill was then read a second time.

Ordered, That said bill be read a third time to-morrow.

Mr. Hempstead, from the same committee, to which was referred, No. 23. H. R. file, A bill to amend an act entitled, "An Act allowing and regulating writs of attachment," approved Feb. 16th, 1843, reported,

That the committee had had the same under consideration and directed him to report the same back to the Council; and recommend that the further consideration of said bill be indefinitely postponed,

To which the Council agreed.

So the further consideration of said bill was indefinitely postponed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Hempstead, from the same committee, to which was referred No. 14. H. R. file, A bill to amend an act entitled "An Act regulating practice in the District Courts in the Territory of Iowa," approved February 10th, 1843, reported the same back to the Council without amendment, and recommends its passage.

To which the Council agreed.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Ross, from the select committee, to which was referred

No. 13, H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved, Jan. 7th, 1840, reported the same back to the Council with its title amended,

To which the Council agreed.

The bill was then read a second time.

On motion of Mr. Summers,

Ordered, That said bill be read a third time on to-morrow.

Mr. Shelby, from the committee on Military Affairs, in accordance with an order made; reported,

No. 25, C. F. A bill to organize and discipline the Militia of this Territory.

Which was read a first time.

Mr. Leffler, from the committee on Territorial Affairs, to which was referred

No. 12, C. F. A bill to provide for taking the census, for the reappor-

tionment of the Legislative Assembly, reported the same back to the Council without amendment, and recommended its passage,

To which the Council agreed.

On motion of Mr. Leffler,

Ordered, That the bill be considered as engrossed, and read a third time now.

The bill was then read a third time,

Passed, and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Leffler, from the committee on Territorial Affairs, to which was referred

No. 6. H. R. file, A bill to amend an act entitled, "An Act to provide for assessing and collecting public revenue," approved Feb. 15th, 1844, reported the same back to the Council with amendments.

To which the Council agreed.

The bill was then read a second time.

On motion of Mr. Summers,

Ordered, That said bill be read a third time on to-morrow.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

I am directed to inform the Council that the House of Representatives have passed

No. 24, H. R. file, A bill to empower the County Commissioners of Delaware county, to levy a tax not exceeding one per cent., for the period of two years;

In which the concurrence of the Council is requested.

And then he withdrew.

No. 23. C. F. A bill to amend "An Act regulating Grocery license," approved, January 4, 1840.

Was read a second time.

On motion of Mr. Ross,

Ordered, That said bill be referred to a select committee of three members.

Messrs. Ross, Bradley and Thompson were appointed said committee.

No. 24, C. F. Joint resolution providing for the adjournment of the Legislative Assembly,

Was read a second time.

On motion of Mr. Abbe,

Ordered, That the resolution be engrossed, and read a third time on to-morrow.

No. 22, C. F. A bill to provide for the payment of the expenses of the convention, which assembled in Iowa City on the first Monday in October, A. D. 1844, to frame a Constitution for the future State of Iowa;

No. 22, H. R. file, A bill to legalize the acts of Charles E. Bensil, former recorder of deeds in the county of Clayton,

Were severally read a third time.

Passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 18, C. F. A bill to submit to the people the draft of a Constitution, framed by the late convention,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein. Mr. President resumed the Chair, and Mr. Leffler reported,

That the committee had, according to order, had said bill under consideration, and had made some progress therein, and directed him to ask leave to sit again;

Leave was granted.

No. 1, H. R. file, A bill to incorporate the University of Iowa

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Abbe reported,

That the committee had according to order, had said bill under consideration, had made some progress therein, and directed him to ask leave to sit again.

Leave was granted.

On motion of Mr. Summers,

Ordered, That the Council adjourn until 2 o'clock P. M.

TWO O'CLOCK, P. M.

No. 21, C. F. Memorial to Congress for the purpose of obtaining a grant of land, for the improvement of the Des Moines river,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said memorial.

After some time spent therein, Mr. President resumed the Chair, and Mr. Brierly reported,

That the committee had according to order, had said memorial under consideration, and directed him to report the same back to the Council without amendment,

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That the 13th rule be suspended, and the memorial read a third time now.

The memorial was then read a third time,

Passed, and its title agreed to.

Orkered, That the Secretary acquaint the House of Representatives therewith.

The President laid before the Council a communication from his Excellency the Governor,

Which was read,

And

On motion of Mr. Hempstead,

Ordered, That the communication be referred to the committee on Claims.

And then the Council adjourned until to-morrow morning at ten o'clock.

TUESDAY MORNING, MAY 20, 1845.

Mr. Summers offered the following:

Resolved, That the Secretary of the Council be authorized to furnish each member of the Council, one copy of Barrows' Map and notes of Iowa; *Provided*, That saids maps shall be furnished at \$2 50 per copy.

On motion of Mr. Hempstead,

Ordered, That said resolution do lie upon the table.

Mr. Brattain from the committee on Engrossed bills, reported,

No. 24, C. F. Joint Resolution providing for the adjournment of the Legislative Assembly,

As correctly engrossed.

No. 24, H. R. file, A bill to empower the County Commissioners of Delaware County to levy a tax, not exceeding one per cent, for the period of two years,

Was read a first time.

No. 25, C. F. A bill to organize and discipline the militia of this Territory,

Was read a second time.

On motion of Mr. Snimmers,

Ordered, That said bill be engrossed and read a third time on tomorrow.

A message from the House of Representatives by Mr. Thompson their Chief Clerk.

Mr. President—

The House have passed,

No. 10, H. R. file, A bill to repeal an act entitled "An act for the improvement of Sheep."

No. 28, H. R. file, "A Joint Resolution for auditing the expenses of the Convention for forming a Constitution, held in 1844."

In which the concurrence of the Council is requested.

They have also concurred in the amendment made by the Council to the title of

No. 15, H. R. file, A bill amendatory of an act entitled "An Act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, 12th February, 1844.

I herewith return,

An Act to amend an act entitled "An Act to incorporate the subscri-

bers for erecting a dam across the Muscatine Slough," approved 5th February, 1844.

An Act to provide for holding an additional term of the District Court in and for the county of Lee.

An act to authorize the Board of Commissioners of the county of Dubuque, to levy a tax on all real and personal estate now subject to taxation, in said county.

An act to change the name of the town of Louisville, in the county of Wapello.

An act to change the name of the village of Salem in the county of Muscatine.

An act amendatory of an act entitled "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved 12th February, 1844," And

An act to amend an act entitled, "An Act to vacate a part of the town plat of Port Allen, and to legalize the location of a part of a territorial road," approved Feb. 13th, 1843,

All of which have been signed by the Speaker of the House of Representatives, and are herewith presented for your signature.

And then he withdrew.

The President then signed said acts.

No. 6. H. R. file, A bill to amend an act entitled, "An Act to provide for assessing and collecting public revenue," approved Feb. 15th, 1844.

No. 7. H. R. file, A bill to prevent the destruction of notices, advertisements, &c.

No. 20, C. F. A bill to amend "An Act defining the duties of County Surveyors, approved, Feb. 9th, 1843."

No. 24, C. F. Joint Resolution providing for the adjournment of the Legislative Assembly.

Said bills and joint resolution were severally read a third time, passed and their titles agreed to.

Order, That the Secretary acquaint the House therewith,

No. 12. H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves,"

Was read a third time.

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings, approved, Feb. 9th, 1843."

Ordered, That said bill be referred to the committee on the Judiciary.

No. 18, C. F. A bill to submit to the people the draft of a Constitution formed by the late Convention,

Being the order of the day,

The Council resolved itself into committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Brierly reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with sundry amendments,

The question being upon the concurrence of the Council upon the amendments made by the Committee, whereby the 5th section of said bill is stricken out,

Was decided in the affirmative.

Yeas 9—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Brierly, Coop, Leffler, Ross, Summers, Thompson, and Mr. President,

Those who voted in the negative were—Messrs. Bradley, Hempstead, and Shelby.

So the amendment was concurred in.

The Council then concurred in the remaining amendments made by the committee.

Ordered, That said bill be engrossed and read a third time on tomorrow.

And then the Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

The House have insisted on their amendment to
C. F. No. 15, A bill to abolish the office of Territorial Agent,

To which the Council disagreed;

And have appointed Messrs. Johnson and Shelleday a committee of conference, in relation to the same.

No. 1, H. R. file, A bill to incorporate the Iowa University,

Being the order of the day,

The Council resolved itself into a committee of the whole Council upon said bill.

After some time spent therein, Mr. President resumed the chair, and Mr. Abbe reported that

The committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council, with sundry amendments.

To which the Council agreed.

On motion of Mr. Shelby,

Ordered, That after the words "as to be," in the 14th line of 3d section, the following be inserted:

"Subject to execution in like manner as personal property now is, or hereafter may be by the laws of this Territory; and."

On motion of Mr. Shelby,

Ordered, That the proviso said in 3d section be stricken out out, and the following in lieu thereof be inserted:

If said corporation shall engage in banking, mercantile, or other business transactions, other than the purposes of education, it shall be taken and deemed a forfeiture of its charter, and the stockholders shall be liable in their individual capacity, for all debts so created.

A motion was made by Mr. Abbe,

That the 13th rule be suspended, and the bill be read a third time.

The motion was lost.

On motion of Mr. Shelby,

Ordered, That said bill be engrossed and read a third time on Friday next.

A motion was made by Mr. Brierly, (Mr. Summers being in the chair officiating as President, that,

No. 17. H. R. file, A bill to amend an act entitled, "An Act regulating marriages," approved Jan. 6th, 1840.

Be reconsidered.

The question being put, shall the vote indefinitely postponing said bill, be reconsidered?

It passed in the negative.

Yeas 5—Nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative were--Messrs. Leffler, Ross, Shelby, Thompson and Mr. President.

Those who voted in the negative were--Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, and Summers.

So the Council refused to reconsider.

Mr. Hastings in accordance with previous notice, and on leave being granted, introduced,

No. 26, C. F. A bill to authorize James Davis to keep a ferry across the Mississippi river.

Which was read a first time,

Mr. Coop from the committee on Roads, reported,

No. 27, C. F. A bill to amend an act entitled "An Act to provide for levying a tax on real and personal property, for road purposes," approved, February 16th, 1842.

Which was read a first time.

Ordered, That fifty copies of said bill be printed.

And then the Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, MAY 21ST, 1845.

On motion of Mr. Summers,

Ordered, That the resolution submitted by him on yesterday, relative to Barrows' map of Iowa,

Be taken from the table.

The resolution was then taken from the table.

Ordered, That said resolution be adopted.

Mr. Summers presented the claim of James D. Bourne, agent for the Territory, for executing a requisition made by the Executive, upon the Governor of Illinois, for the bodies of John Evans and John Butler, fugitives from justice from the Territory; said claim amounting to one hundred dollars.

Ordered, That the claim be referred to a select committee, composed of three members.

Messrs. Summers, Ross and Brierly were appointed said committee.

Mr. Brattain from the committee on Engrossed bills, reported,

No. 18. C. F. A bill to submit to the people the draft of a Constitution formed by the late convention.

No. 25, C. F. A bill to organize and discipline the militia of this Territory;

As correctly engrossed.

Mr. Brierly on leave introduced,

No. 28, C. F. Joint Resolution providing for an examination of the affairs of the penitentiary.

Which was read a first time.

No. 24, H. R. file, A bill to empower the County Commissioners of Delaware county, to levy a tax, not exceeding one per cent., for the period of two years.

On motion of Mr. Hempstead,

Ordered, That said bill be read a third time on to-morrow.

No. 26, C. F. A bill to authorize James Davis to keep a ferry across the Mississippi river;

Was read a second time.

On motion of Mr. Abbe,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 25, C. F. A bill to organize and discipline the militia of this Territory;

Was read a third time.

A motion was made by Mr. Ross,

That the said bill be indefinitely postponed.

Mr. Ross asked and obtained leave to withdraw his motion for indefinitely postponing said bill.

The question recurred upon the passage of said bill,

Which was decided in the affirmative.

Yeas 11—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

Mr. Ross voting in the negative.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 18, C. F. A bill to submit to the people the draft of a Constitution formed by the late Convention,

Was read a third time,

On motion of Mr. Abbe,

By unanimous consent of the Council, the words "approved by the Governor," in the 3d line of the 6th section, was stricken out, and the words "shall become a law," inserted.

The question being then, shall the bill pass,

Which was decided in the affirmative.

Yeas 11—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Lessler, Shelby, Summers, Thompson, and Mr. President.

Mr. Ross voting in the negative.

So the bill was passed and its title was agreed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 10, H. R. file, A bill to amend an act entitled "An Act for the improvement of sheep,"

Was read a first time.

On motion of Mr. Hastings,

Ordered, That the said bill be read a second time now.

The bill was then read a second time.

A motion was made by Mr. Hastings,

That the Council resolve itself into a committee of the Whole Council upon said bill,

The motion was lost.

On motion of Mr. Brierly,

Ordered, That said bill be referred to the committee on Agriculture.

No. 28. H. R. file, Joint Resolution for auditing the expenses of the Convention for forming a Constitution, held in 1844,

Was read a first time.

Ordered, That the Joint Resolution be read a second time now.

The Joint Resolution was then read a second time.

On motion of Mr. Summers,

Ordered, That the Joint Resolution be laid upon the table.

A message from the House of Representatives by Mr. Thompson their Chief Clerk.

Mr. President—

The House of Representatives have passed,
No. 4, H. R. file, A bill to prohibit and punish the sale of liquors
to the Indians.

In which the concurrence of the Council is requested,

And then he withdrew.

On motion of Mr. Summers,

Ordered, That a committee of conference be appointed on the part
of the Council, to confer with a committee on the part of the House,
relative to the disagreeing vote of the two Houses. upon

No. 15, C. F. A bill to abolish the office of Territorial Agent.

Messrs. Summers and Abbe, were appointed said committee.

No. 9. C. F. A bill to amend an act entitled, "An Act allowing and
regulating writs of attachment,

Being the order of the day.

The Council resolved itself into a committee of the Whole upon said
bill.

After some time spent therein, Mr. President resumed the Chair, and
Mr. Coop reported,

That the committee had according to order, had said bill under con-
sideration, and directed him to report the same back to the Council,
with an amendment.

The question being put,

Will the Council agree to the amendment made by the committee?

Was decided in the affirmative.

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brat-
tain, Brierly, Coop, Leffler, Ross, Shelby and Summers.

Those who voted in the negative were—Messrs. Abbe, Hempstead,
Thompson and Mr. President.

Ordered. That said bill be referred to the committee on the Judicia-
ry.

No. 4, H. R. file, A bill to prohibit and punish the sale of liquors
to the Indians,

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill be referred to the committee on the Judi-
ciary.

Mr. Abbe on leave introduced,

Mr. 29, C. F. A bill to amend an act entitled, "An Act to estab-

lish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, Feb. 12th, 1844,

Which was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Brierly moved,

That the Council adjourn until 2 o'clock P. M.

Pending which,

A motion was made that the Council adjourn until to-morrow morning at 10 o'clock.

The motion was lost.

The question then recurred on the motion to adjourn until 2 o'clock P. M.

Which passed in the affirmative,

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Brierly, Hempstead, Leffler, Ross, Shelby, Summers and Thompson.

Those who voted in the negative were—Messrs. Abbe, Bradley, Coop and Mr. President.

So the Council adjourned until 2 o'clock P. M.

Two O'clock, P. M.

Mr. Summers on leave introduced the following:

Resolved, That the committee on Territorial Affairs, be instructed to inquire how much the Territory is indebted to the Miners' Bank of Du-buque; when said debt was contracted; for what purposes; and what means the Territory has for paying the same; and report to the Council at as early a day as practicable.

To which the Council agreed.

Mr. Brierly on leave introduced,

No. 30, C. F. A bill to provide for the better settling and adjudica-

ting the several titles set up to the Half Breed lands, in the county of Lee,

Which was read a first time.

Ordered, That the bill be printed.

Mr. Hempstead, from the committee on Incorporations, to which was referred the petition of citizens of Jackson county, praying that a charter to keep a ferry at the town of Bellview in said county, be granted to Hugh Neepier, reported

No. 31, C. F. A bill to authorize Hugh Neepier, to establish and keep a ferry at the town of Belview, in the county of Jackson;

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That the bill be engrossed and read a third time on Friday next.

Mr. Hempstead, from the committee on the Judiciary, to which was referred,

No. 4, H. R. file, A bill to prohibit and punish the sale of intoxicating liquors to the Indians.

Reported the same back to the Council and recommended the indefinite postponement of said bill.

To which the Council agreed.

So the further consideration of the said bill was indefinitely postponed.

(Mr. Abbe being in the Chair.)

Mr. Hastings on leave, introduced,

No. 32, Joint resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties,

Which was read a first time.

A motion was made by Mr. Hastings,

That the resolution be read a second time now,

Which passed in the affirmative,

Yeas 6—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Hempstead, Leffler, Ross, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain, Brierly, Coop and Thompson.

The joint resolution was then read a second time.

A motion was made by Mr. Hastings,

That the resolution be engrossed and read a third time on to-morrow,

Which passed in the affirmative,

Yeas 6—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Hempstead, Leffler, Thompson, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain, Brierly, Coop, and Ross.

A motion was made by Mr. Hastings,

That the Council adjourn until to-morrow morning at 10 o'clock,

Which passed in the affirmative.

Yeays 6—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Coop, Leffler, Summers and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Brierly, Hempstead, Ross and Thompson.

So the Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, MAY 22ND, 1845.

The journal of yesterday having been read,

Mr. Bradley arose and addressed the Chair as follows:

Mr. President—

It becomes my painful duty to announce to the Council, the death of James Leonard, a member of the House of Representatives from the county of Jackson. Mr. Leonard was elected to the House by a large majority of the voters of that county; and was universally beloved by his constituents, and all who knew him. His untimely death has deprived an affectionate wife of a tender husband, his children of a kind parent, and left desolate a happy home. It may be justly said of the deceased, that he had no enemies and died as he had lived, "THE NOBLEST WORK OF GOD, AN HONEST MAN."

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

The House have passed

No. 37, H. R. file, Joint resolutions, as follows:

Resolved, By the House of Representatives (the Council concurring herein) That the members and officers of both Houses will attend the funeral of James Leonard, deceased, late a member of the House of Representatives, at 10 o'clock to-morrow morning.

Resolved, That a joint committee of two members of each House be appointed to take order for superintending the funeral of James Leonard, deceased.

Resolved, That the members and officers of both Houses will testify their respect for the memory of the deceased, by wearing crape on the left arm for thirty days.

Resolved, That when the two Houses adjourn to-day, they will adjourn to meet again on Saturday morning at 10 o'clock.

The resolutions were read a first and second time,

The 13th rule was suspended;

And read a third time, and passed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then he withdrew.

Messrs. Bradley and Leffler were appointed the committee on the part of the Council, under the second resolution.

Mr. Ross asked and obtained leave of absence until Monday.

And then the Council adjourned until Saturday morning at 10 o'clock,

SATURDAY MORNING, MAY 24TH, 1845.

Mr. Abbe presented the petition of 27 citizens of the county of Linn praying that the Board of Commissioners of said county, may be authorized to levy a tax equal to one per centum, for the purposes of paying the debts of said county.

Ordered, That said petition be laid upon the table.

Mr. Abbe presented the petition of 43 citizens of the town of Marion in Linn county, praying that that portion of West Street, in said town, that lies between Broad street and Washington street, be vacated.

On motion of Mr. Hempstead,

Ordered, That said petition be referred to the committee on roads.

Mr. Abbe also presented the petition of 22 citizens of Linn county, praying, that the law establishing the time of holding the District Courts in the several Judicial District, may be so amended, as to allow the next District Court for said county, to be holden two weeks.

On motion of Mr. Coop,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Summers from the committee of conference who was appointed on the part of the Council to confer with a similar committee on the part of the House, relative to the disagreeing vote of the two Houses, on

No. 15, C. F. A bill to abolish the office of Territorial Agent,

Reported, That the joint committee have agreed to amend the bill so as to amend the salary of the officer provided for by the bill, one hundred and twenty-five dollars.

Ordered, That the report of the committee be adopted.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 9, C. F. reported the same back to the Council, with an amendment.

Said bill with the amendment was then read a second time.

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr. Brattain from the committee on Engrossed bills, reported,

No. 26, C. F. A bill to authorize James Davis to keep a ferry across the Mississippi river.

No. 29, C. F. A bill to amend of an act entitled "An Act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, 12th February, 1844.

No. 32, C. F. Joint resolution providing that the Maps voted for the use of the Legislative Assembly, be distributed among the different counties,

No. 31, C. F. A bill to authorize Hugh Neeper to establish and

keep a ferry at the town of Bellview, in the county of Jackson, Territory of Iowa;

As correctly engrossed.

Mr. Leffler from the committee on Agriculture to which was referred,

No. 10, H. R. file, A bill to amend an act entitled "An act for the improvement of Sheep,"

Reported the same back to the Council without amendment.

Mr. Leffler from the same committee to which was referred

No. 12, H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved, January 7th 1840,

Reported the same back to the Council with amendments;

Which was read a second time.

Ordered, That said bill be referred to a committee of the whole Council, and made the order of the day for Monday next.

No. 28, C. F. Joint Resolution providing for an examination of the affairs of the penitentiary; Was read a second time.

Ordered, That the joint resolution be referred to the committee on Public Buildings.

No. 24, H. R. file, A bill to empower the County Commissioners of Delaware county, to levy a tax not exceeding one per cent., for the period of two years;

Was read a third time.

On motion of Mr. Abbe,

By unanimous consent of the Council, the bill was amended by inserting also the word 'Linn county.'

The bill was then passed, and its title amended.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 26, C. F. A bill to authorize James Davis to keep a ferry across the Mississippi river.

No. 29, C. F. A bill to amend an act to establish the time of holding the District Courts in the several Judicial Districts in this Territory, approved, 12th February, 1844;

Were severally read a third time,

Passed, and their titles agreed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 32, C. F. Joint Resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the several counties;

Was read a third time and passed.

Yeas 6—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Hempstead, Leffler, Shelby, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain, Brierly, Coop and Thompson,

So the resolution passed.

The titled of said resolution having been read;

The question was, shall this be the title of the joint resolution,

Passed in the affirmative.

Yeas 7—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Coop, Hempstead, Leffler, Shelby, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain, Brierly and Thompson.

So the title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 1, H. R. file, A bill to incorporate the University of Iowa, being the order of the day,

Was read a third time.

Whereupon, Mr. Shelby, by leave of the Council presented a remonstrance against the passage of said bill.

Ordered, That the bill and remonstrance be referred to the committee on Schools.

No. 31, C. F. A bill to authorize Hugh Neeper to establish and keep a ferry at the town of Bellview in the county of Jackson, Iowa Territory,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

The House have passed,

No. 33, H. R. file A bill to declare a certain road therein named a public highway."

No. 25, H. R. file, A bill to change the eastern boundary of Washington county; And

No. 19, H. R. file, A bill to incorporate and establish the city of Burlington, and for reversing and repealing all laws and parts of laws, heretofore enacted on that subject.

No. 16, H. R. file, A bill to amend an act, entitled "An Act for the organization of Townships.

Also, with amendments,

No. 16, C. F. A bill to establish a road from Marion in Linn county, to the Indian boundary, in a direct line to Fort Atkinson."

In which the concurrence of the Council is requested.

I also present for your signature,

An Act to legalize the acts of Charles E. Bensil, former recorder of deeds in the county of Clayton; And

An Act to amend an act entitled "An Act regulating Practice in the District Courts, in the Territory of Iowa," approved, February 10th, 1843.

Both of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the last mentioned acts.

On motion of Mr. Summers,

The Council resolved itself into a committee of the Whole upon

No. 10, H. R. file, A bill to amend an act "An Act for the improvement of Sheep."

After some time spent therein, Mr. President resumed the Chair, and Mr. Shelby reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with amendments,

A motion was made by Mr. Summers,

That the further consideration of said bill be indefinitely postponed,

Which passed in the affirmative.

Yeas 9--Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were--Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Shelby, Summers and Thompson.

Those who voted in the negative were--Mr. Brattain and Mr. President.

And then the Council adjourned until 2 o'clock P. M.

Two o'clock, P. M.

Mr. Abbe presented the petition of L. D. Phillips, G. Washington Gray, Joel Leverich, George White Gray, John G. McCloud, Alexander D. Cole and Joseph Peters, of Linn county praying the passage of a bill incorporating a Bank of Iowa.

On motion of Mr. Hempstead.

Ordered, That said petition be laid upon the table.

A message from the House of Representatives by Mr. Thompson their Chief Clerk.

Mr. President—

The House have concurred in the report of the committee of conference, in regard to the salary of the Treasurer for performing the duties of the Territorial Agent, and have agreed to amend the bill, by inserting one hundred and twenty-five dollars.

And then he withdrew.

Mr. Abbe gave notice that he would on some future day, ask leave to introduce a bill to vacate a certain street, in the town of Marion in Linn county.

No. 33, H. R. file, A bill to declare a certain road therein named a public highway.

No. 25, H. R. file, A bill to change the eastern boundary of Washington county,

Were severally read a first time.

No. 19, H. R. file, A bill to incorporate and establish the city of Burlington, and for revising and repealing all laws, and parts of laws, heretofore enacted on that subject,

Was read a first time.

On motion of Mr. Summers,

The bill was read a second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 16, H. R. file, A bill to amend an act entitled "An Act for the organization of Townships,

Was read a first and second time.

Ordered, That said bill be referred to the committee on Roads.

No. 16, C. F. A bill to establish a Territorial Road from Marion in Linn county, to the Indian boundary, in a direct line to Fort Atkinson,

As amended by the House, was taken up and considered
Ordered, That the amendments made by the House be concurred in.
And then the House adjourned until Monday Morning at 10 o'clock.

MONDAY MORNING, MAY 26TH, 1845.

Mr. Shelby presented the petition of 48 citizens of the county of Van Buren, praying a reduction of the amount now required by law, for license to vend spirituous liquors; or in case such a law should not be enacted at the present session; that Cyrus Gibson, of Pittsburgh in said county, may be licensed to sell spirituous liquors.

On motion of Mr. Bradley,

Ordered, That said petition be referred to a select committee, composed of the delegation from Van Buren county.

Mr. Brierly presented the petition of 74 citizens of Lee county, praying for the relocation of a territorial road, leading from Keokuk to Burlington.

Ordered, That said petition be referred to a select committee, composed of the delegation from Lee county.

Mr. Shelby from the committee on Enrolled Bills reported,

An act to abolish the office of Territorial Agent.

An act to establish a territorial road from Marion in Linn county, to the Indian boundary, in a direct line to Fort Atkinson,

As correctly enrolled.

Mr. Brattain from the committee on Engrossed Bills, reported,

No. 9. C. F. A bill to amend an act entitled, "An Act allowing and regulating writs of attachment,

As correctly engrossed.

Mr. Abbe, in accordance with previous notice, introduced

No. 34, C. F. A bill to vacate a street in the town of Marion, in Linn county;

Which was read a first time.

Mr. Hempstead from the committee on the Judiciary, to which was referred,

No. 19, H. R. file, A bill to incorporate and establish the city of

Burlington; and for revising and repealing all laws and parts of laws, heretofore enacted on that subject;

Reported the ssme back to the Council with amendments.

To which the Council agreed.

The bill was then read a second time.

On motion of Mr. Summers,

Ordered, That the 13th rule be suspended, and that the bill be read a third time now.

The bill was then rerd a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Bradley, from the committee on Claims, to which was referred the Special Message of his Excellency the Governor, relative to the claim of Wm. B. Snyder, reported

No. 35, C. F. A bill for the relief of Wm. B. Snyder.

Mr. Coop, in accordance with previous notice introduced,

No. 36, C. F. A bill to amend an act entitled, "An Act concerning water crafts found adrift, lost goods, and estray animals," approved Jan. 22, 1839.

Said bills were severally read a first time.

Mr. Hempstead from the committee on the Judiciary, to which was referred,

No. 6. C. F. A bill to amend an act entitled, "An Act defining the jurisdiction in the Supreme Court, and regulating the practice therein;

Reported the same back to the Council without amendment.

To which the Council agreed.

Ordered, That said bill be engrossed, and read a third time on to-morrow.

Mr. Shelby from the joint committee on Enrollments, reported;

That the committee had, on this morning, presented to His Excellency the Governor for his approval, the following acts to wit:

An act to change the name of the village of Salem, in the county of Museatine;

An act to provide for holding an additional term of the District Court in and for the county of Lee;

An act to authorize the Board of Commissioners of the county of Dubuque, to levy a tax on all real and personal estate, now subject to taxation in said county;

An act to amend an act entitled, "An Act to incorporate the Sub-

scribers for erecting a dam across the Muscatine Slough," approved, Feb. 5th, 1844;

And,

An act to change the name of the town of Louisville, in the county of Wapello.

No. 25, H. R. file, A bill to change the eastern boundary of Washington county.

No. 33, H. R. file, A bill to declare a certain road therein named a public highway.

Said bills were severally read a second time.

Ordered, That said bills do lie upon the table, subject to the order of the Council.

No. 27, C. F. A bill to amend an act entitled, "An Act to provide for levying a tax on real and personal property, for road purposes," approved Feb. 16, 1842,

Was read a second time.

On motion of Mr. Brierly,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Brierly reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council with sundry amendments.

To which the Council agreed.

A motion was made by Mr. Coop,

That the further consideration of said bill be indefinitely postponed,

Which passed in the negative.

Yeas 1—Nays 10.

The yeas and nays being demanded,

Mr. Coop voted in the affirmative.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain, Brierly, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

Ordered, That said bill be engrossed, and read a third time on tomorrow.

And then the Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Summers from the committee on Schools, to which was referred,

No. 1, H. R. file, A bill to incorporate the University of Iowa,

Reported the same back to the Council with amendments,

To which the Council agreed.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Brierly asked and obtained leave to introduce,

No. 37, C. F. A bill to provide for the election of an additional Justice of the Peace in the township of Fort Madison, in the county of Lee;

Which was read a first time.

A message from the House of Representatives, by Mr. Durham their Clerk.

Mr. President:—

The House have passed

No. 32, C. F. Joint resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties;

With amendments in which the concurrence of the Council is requested.

The House have agreed to the report of the committee of conference, in relation to the amendment made to

No. 15, C. F. A bill to abolish the office of Territorial Agent.

The House have also passed,

No. 11, C. F. A bill to make valid in law, the acts of Joseph Reynolds, a Justice of the Peace in and for the county of Buchanan.

No. 2, C. F. A bill to amend an act entitled, "An Act to provide for the partition of real property;

Both of which have been signed by the Speaker of the House of Representatives.

They have passed
No. 30, H. R. file, A joint resolution;

And,

No. 32, H. R. file, A bill to postpone the election of the members of the House of Representatives of the Territory of Iowa, from August until April.

In which the concurrence of the Council is requested.

And then he withdrew

No. 9, C. F. A bill to amend an act entitled "An Act allowing and regulating writs of attachment,"

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 13, H. R. file, A bill to amend an act entitled, "An Act to encourage the destruction of wolves," approved Jan. 7th, 1840;

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Coop reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council, without amendment.

To which the Council agreed.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The President announced a communication from the Governor, upon executive business.

On motion of Mr. Brierly,

The Council resolved itself into an executive session.

After some time spent therein the executive session arose and the Council resumed its ordinary session.

(Mr. Leffler being in the Chair,)

Mr. Hastings on leave introduced

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

Which was read a first and second time.

Ordered, That said bill be referred to the committee on Incorporations.

No. 30, H. R. file, A joint resolution;

Was read a first and second time.

Ordered, That the resolution be read a third time on to-morrow.

No. 32, H. R. file, A bill to postpone the election of the members of the House of Representatives, of the Territory of Iowa,

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That the bill be referred to the committee on Elections.

No. 32, C. F. Joint resolution as amended by the House,

Was taken up,

Said resolution is as follows:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That Barrows Map of Iowa, and notes, in possession of the members of the Legislative Assembly, be, and they are hereby appropriated for the use of the respective counties of this Territory, and it is hereby made the duty of the members of this Legislative Assembly, immediately after the adjournment thereof, to deposit the same with the Clerk of the Board of Commissioners of their respective counties.

The amendment made by the House, was to strike out the words "Legislative Assembly," wherever they occurred, and insert the words "members of the Council," in lieu thereof.

And the question being will the Council concur in the amendment,

Pending which,

A motion was made by Mr. Brierly,

That the motion to concur in the amendment made by the House, be laid on the table.

Which passed in the negative,

Yeas 3—Nays 9.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain and Brierly.

Those who voted in the negative were—Messrs. Bradley, Coop, Hempstead, Leffler, Ross, Shelby, Summers, Thompson and Mr. President.

The question then recurred on the motion to concur in the amendment made by the House;

Which passed in the affirmative,

Yeas 9—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Coop. Hempstead, Leffler, Ross, Shelby, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain and Brierly.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then the Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, MAY 27, 1845.

Mr. Stephenson presented the petition of Amelia Scanlan, and 44 male and female citizens of Henry county, praying that the bonds of matrimony, existing between the said Amelia Scanlan and her husband Thomas Scanlan, be dissolved.

On motion of Mr. Summers,

Ordered, That said petition be referred to the committee on the Judiciary, and that said committee be instructed to report as soon as possible.

On motion of Mr. Stephenson,

Ordered, That the committee on the Judiciary, be instructed to inquire into the expediency, of so amending the law relative to Mechanics Liens, and other purposes, approved Feb. 13, 1843, as shall allow the right of lien upon all freehold, or lease hold, for a term of years, for all species of labor or materials furnished on, or done, to such free hold, or lease, by agreement of the owner, or agent of said freehold, or lease.

Mr. Stephenson on leave introduced,

No. 39, C. F. Joint resolution requesting the Delegate in Congress

to endeavor to procure the establishment of a mail route from Burlington, via. Lowell, Salem and Washington, in Henry county, to the county seat of Wapello county;

Which was read a first time.

Mr. Coop from the committee on Roads, to which was referred, No. 16, H. R. file, A bill to amend an act entitled, "An Act for the organization of townships, reported,

That the committee had carefully examined the same, and are of opinion, that if any alteration to the present law on the subject is to be made at the present session, that said bill should pass; that the committee have made no amendments thereto, and have instructed him to report the same back to the Council for their further consideration.

On motion of Mr. Leffler,

Ordered, That said bill be referred to a committee of the whole Council, and made the order of the day for to-morrow.

Mr. Brattain from the committee on Engrossed Bills, reported,

No. 6, C. F. A bill to amend an act entitled, "An Act defining the jurisdiction of the Supreme Court and regulating the practice therein;

No. 27, C. F. A bill to amend an act entitled, "An Act to provide for levying a tax on real and personal property, for road purposes," approved Feb. 16, 1842;

As correctly engrossed.

Mr. Shelby from the committee on Enrollments, reported:

An act to make valid in law the acts of Joseph Reynolds, a Justice of the Peace in and for the county of Buchanan;

An act to amend an act entitled, "An Act to provide for the partition of real property;

Also,

Joint resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties;

As correctly enrolled.

Mr. Brierly from the select committee to which was referred the petition of 74 citizens of Lee county, praying the relocation of a territorial road leading from Keokuk to Burlington, reported,

No. 40, C. F. A bill to change a part of a territorial road in the county of Lee.

Said bill was read a first time.

Mr. Ross from the committee on Elections to which was referred,

No. 32, H. R. file, A bill to postpone the election of the members of

the House of Representatives of the Territory of Iowa, from August until April;

Reported the same back to the Council without amendment, and recommended its passage.

On motion of Mr. Summers,

Ordered, That said bill do lie upon the table.

Mr. Hempstead from the committee on Incorporations to which was referred,

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company;

Reported the same back to the Council with an amendment.

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

No. 34, C. F. A bill to vacate a street in the town of Marion, in Linn county;

No. 35, C. F. A bill for the relief of Wm. B. Snyder,

Said bills were severally read a second time,

And,

Ordered to be engrossed and read a third time on to-morrow.

No. 36, C. F. A bill to amend an act entitled, "An Act concerning water crafts found adrift, lost goods, and estray animals," approved Jan. 22, 1839.

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill be referred to a committee of the whole Council, and made the order of the day on to-morrow.

No. 30, C. F. A bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands, in the county of Lee,

Was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 37, C. F. A bill to provide for the election of an additional Justice of the Peace, in the township of Fort Madison, in the county of Lee;

Was read a second time.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 30, H. R. file, A joint resolution;

Was read a third time,

Passed and its title amended.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 6. C. F. A bill to amend an act entitled, "An Act defining the jurisdiction of the Supreme Court, and regulating the practice therein;

No. 27, C. F. A bill to amend an act entitled, "An Act to provide for levying a tax on real and personal property, for road purposes," approved Feb. 16, 1842,

Were severally read a third time,

Passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Ross,

No. 25, H. R. file, A bill to change the eastern boundary of Washington county,

Was taken from the table, and read a second time.

On motion of Mr. Ross,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Ross,

No. 33, H. R. file, A bill to declare a certain road therein named a public highway.

Was taken from the table and read a second time.

On motion of Mr. Ross,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then the Council adjourned until 2 o'clock P. M.

Two O'clock, P. M.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

The House have passed,

No. 34, H. R. file A bill authorizing the construction of slopes in mill dams on Skunk river.

No. 36, H. R. file, A bill to regulate fees of Sheriffs and Constables, in attendance on District Courts.

No. 38, H. R. file, A bill to legalize the acts of William Foster, an acting Justice of the Peace.

The House have agreed to the amendments made by the Council to,

No. 24, H. R. file, A bill to authorize the County Commissioners of Delaware and Linn counties, to levy a tax not exceeding one per cent., for the period of two years;

I herewith return An act to abolish the office of Territorial Agent;

And,

An act to establish a territorial road from Marion, in Linn county, to the Indian boundary, in a direct line to Fort Atkinson;

Both of which have been signed by the Speaker of the House of Representatives.

I herewith present for your signature

An act to prevent the destruction of notices, advertisements, &c;

And,

An act to amend an act entitled, "An act to provide for assessing, and collecting public revenue," approved, Feb. 15th, 1844.

Both of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above mentioned acts.

Mr. Brierly gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce a bill to fix the amount of compensation of the District Prosecutor, in the first Judicial District.

No. 34, H. R. file, A bill authorizing the construction of slopes in mill dams on Skunk river;

No. 36, H. R. file, A bill to regulate fees of Sheriffs and Constables, in attendance on District Courts;

No. 38, H. R. file, A bill to legalize the acts of William Foster, an acting Justice of the Peace;

Said bills were severally read a first time.

Mr. Hempstead from the committee on the Judiciary, to which was referred the petition of Amelia Scanlan and other citizens of Henry county, praying to be divorced from her husband, Thomas Scanlan, reported

No. 41, C. F. A bill to divorce Amelia Scanlan from her husband Thomas Scanlan.

Said bill was read a first and second time.

On motion of Mr. Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

And then the Council adjourned until to-morrow morning at ten o'clock.

WEDNESDAY MORNING, MAY 28TH, 1845.

Mr. Shelby presented the petition of 30 citizens of the county of Davis and Van Buren, praying the establishment of a Territorial Road from Sullivan's line of Missouri, where the road now crosses said line, leading from Keosauqua to Churchville; thence up the dividing ridge, between Fox River and Indian Creek, *via* Fox Post Office, Sabastian Streeter's and Loyd's, &c.. to the western line of Davis county.

On motion of Mr. Shelby,

Ordered, That said petition be referred to the committee on roads.

Mr. Stephenson presented the petition of 55 citizens of Iowa Territory, praying that the name of Skunk River may be changed to Manitou river.

Ordered, That said petition be referred to the committee on Territorial affairs.

Mr. Bradley presented the petition of 66 citizens of the counties of Muscatine and Johnson, praying the location of a road from Bloomington to Iowa City, on the nearest route and best ground.

Ordered, That said petition be referred to the committee on roads.
Mr. Brattain from the committee on Engrossed Bills, reported,
No. 37, C. F. A bill to provide for the election of an additional Justice of the Peace in the township of Fort Madison, in the county of Lee;

No. 35, C. F. A bill for the relief of Wm. B. Snyder.

No. 34, C. F. A bill to vacate a street in the town of Marion, in Linn county;

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

As correctly engrossed.

Mr. Shelby from the select committee to which was referred the petition of citizens of Van Buren county praying a change in the law regulating licenses, to vend spirituous liquors, reported

No. 42, C. F. A bill granting licenses and regulating Taverns,

Which was read a first time.

Mr. Hempstead, from the committee on the Judiciary, to which was referred,

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties and to regulate their proceedings, approved, February 9, 1843

Reported the same back to the Council with amendments.

On motion of Mr. Hempstead,

The Council resolved itself into committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Summers reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with an amendment,

To which the Council agreed.

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 39, C. F. Joint resolution requesting the Delegate in Congress to endeavor to procure the establishment of a mail route from Burlington, via Lowell, Salem, and Washington, in Henry co. to the county seat of Wapello county;

No. 40, C. F. A bill to change a part of a territorial road in the county of Lee,

Said resolution and bill were severally read a second time.

Ordered, That the same be engrossed, and read a third time on to-morrow.

No. 34, H. R. file, A bill authorizing the construction of slopes in mill-dams in Skunk river,

Was read a first and second time.

On motion of Mr. Brierly,

Ordered, That said bill be referred to the committee on Internal Improvements.

No. 36, H. R. file, A bill to regulate the fees of sheriff's and constable's in attendance on the District Court,

Was read a second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 38, H. R. file, A bill to legalize the acts of William Foster, an acting justice of the peace,

Was read a second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Rail Road Company.

Was taken up for its 3rd reading.

A motion was made by Mr. Shelby,

That the enacting clause of said bill be stricken out,

Which passed in the negative.

Yeas 4—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Coop, Hempstead and Shelby.

Those who voted in the negative were—Messrs. Abbe, Brattain, Brierly, Leffler, Ross, Summers, Thompson and Mr. President.

The question being then put, shall the bill pass?

Was decided in the affirmative,

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Brierly, Leffler, Ross, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Coop, Hempstead and Shelby.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then the Council adjourned until 2 o'clock, P. M.

Two o'clock, P. M.

No. 34, C. F. A bill to vacate a certain street in the town of Marion in Linn county.

No. 35, C. F. A bill for the relief of Wm. B. Snyder.

No. 37, C. F. A bill to provide for the election of an additional justice of the peace, in the township of Fort Madison, in the county of Lee.

Were severally read a third time,

Passed, and their titles agreed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 41, C. F. A bill to divorce Amelia Scanlan from her husband Thomas Scanlan,

Was read a third time.

On motion of Mr. Hastings,

Ordered, That the following be added at the end of the first section: "And that the name of the said Amelia Scanlan, shall be Amelia Tull.

The question being put shall the bill pass?

It was decided in the affirmative.

Yeas 8—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brierly, Coop, Hempstead, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Ross and Shelby.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 16, H. R. file, A bill to amend an act entitled "An Act for the organization of Townships;

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Summers reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with sundry amendments.

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

The bill was then read a third time,

And the question being put, shall this bill pass?

Was decided in the affirmative.

Yeas 7—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Coop, Shelby, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brierly, Hempstead, and Ross.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 26, C. F. A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods and estray animals," approved, January 22, 1839;

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Thompson reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council, without amendment.

To which the Council agreed.

Ordered, That said bill be engrossed, and read a third time on to-morrow.

And then the Council adjourned until to-morrow morning at 9 o'clock,

THURSDAY MORNING, MAY 29TH, 1845.

Mr. Summers gave notice that he would on to-morrow ask leave to introduce a bill to re-locate a certain territorial road.

Mr. Brierly from the committee on Internal Improvements to which was referred

No. 34, H. R. file, A bill authorizing the construction of slopes in mill-dams in Skunk river,

Reported the same back to the Council with sundry amendments.

Said bill was then read a second time.

Ordered, That said bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

Mr. Brattain from the committee on Engrossed bills reported,

No. 36, C. F. A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods, and estray animals," approved, January 22, 1839.

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties and to regulate their proceedings, approved, February 9, 1839.

No. 39, C. F. Joint Resolution requesting our delegate to Congress to endeavor to procure the establishment of a mail route from Burlington via Lowell, Salem, Washington in Henry county, to the county seat of Wapello county.

No. 40 C. F. A bill to change a part of a territorial road in the county of Lee;

As correctly engrossed.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

The House have passed

No. 51, H. R. file, A joint resolution instructing our Delegate in Congress in regard to the boundary of the future State of Iowa.

Also,

No. 47, H. R. file, A bill for the relief of Samuel Parker.

Also,

No. 22, C. F. A bill to provide for the payment of the expenses of the Convention which assembled in City, on the first Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa.

Also,

No. 41, H. R. file, A bill to re-locate a part of a territorial road running from Burlington via Fort Madison to the Bridge on Sugar Creek, in Lee county.

In which the concurrence of the Council is requested.

I herewith return,

An Act to make valid in law, the acts of Joseph A. Reynolds, a Justice of the Peace in and for the county of Buchanan.

An Act to amend an act entitled, "An Act to provide for the partition of real property.

An Act to establish a road from Marion in Linn county, to the Indian boundary, in a direct line to Fort Atkinson.

Also,

Joint resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties.

Also,

An Act to abolish the office of Territorial Agent.

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above acts and joint resolution.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 36, H. R. file, A bill to regulate the fees of sheriffs and constables in attendance on the District Courts;

Reported the same back without amendment.

Mr. Hempstead from the committee to which was referred

No. 38, H. R. file, A bill to legalize the acts of William Foster, an acting justice of the peace;

Reported the same back to the Council without amendment.

Said bills were then severally read a third time,

Passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Hempstead from the same committee to which was referred,

No. 30, C. F. A bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee,

Reported the same back to the Council without amendment.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 42, C. F. A bill granting licenses and regulating taverns,
Was read a second time.

On motion of Mr. Summers.

Ordered, That said bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

No. 19, C. F. A bill to amend an act entitled "An Act to provide for the election of justices of the peace, to prescribe their powers and duties and to regulate their proceedings, approved, February 9, 1839.

No. 39, C. F. Joint Resolution requesting our Delegate in Congress to endeavor to procure the establishment of a mail route from Burlington via Lowell, Salem and Washington in Henry county, to the county seat of Wapello county.

No. 40, C. F. A bill to change a part of a territorial road in the county of Lee.

No. 36, C. F. A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods and estray animals," approved, January 23, 1839.

Said were bills and joint resolution were severally read a third time, passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 51, A joint resolution instructing our Delegate in Congress in regard to the boundary of the future State of Iowa;

Was read a second time.

No. 47, H. R. file, A bill for the relief of Samuel Parker;

Was read a first and second time.

A motion was made by Mr. Summers,

That the bill be referred to the committee on claims.

Mr. Shelby moved to amend by referring to the committee on the Judiciary.

Which was decided in the negative.

Yeas 6—Nays 6.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Ross, Shelby, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brierly, Coop, Hempstead, Leffler, and Summers.

So the motion to amend was lost.

A motion was then made by Mr. Abbe,
To amend by referring the bill to the committee on Expenditures,
Which was decided in the negative,
Yeas 3—Nays 10.

The yeas and nays being demanded,
Those who voted in the affirmative were—Messrs. Abbe, Ross and
Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brattain,
Brierly, Coop, Hempstead, Leffler, Shelby, Stephenson, Summers, and
Thompson.

The question then recurred on the motion to refer the bill to the committee on Claims,

Which was decided in the affirmative.

No. 41, H. R. file, A bill to relocate a part of the territorial road running from Burlington via. Fort Madison to the bridge on Sugar Creek, in Lee county;

Was read a first and second time.

Ordered, That said bill be referred to the committee on Roads.

Mr. Hempstead from the committee on the Judiciary, to which was referred the petition of Silas Deeds, praying a divorce from his wife Lucy Ann Deeds, reported,

No. 43, C. F. A bill to divorce Silas Deeds, of Jefferson county, from his wife Lucy Ann Deeds;

Which was read a first and second time.

A motion was made by Mr. Coop,

That the bill be engrossed and read a third time on to-morrow.

Pending which,

A motion was made by Mr. Shelby,

That the bill be laid on the table,

Which motion having the precedence was put,

And decided in the negative,

Yeas 3—Nays 10.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Ross and Shelby.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Stephenson, Summers, Thompson and Mr. President.

The question then recurred on the motion to engross and read a third time,

Which was decided in the affirmative;

Yeas 10—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Coop, Hempstead, Leffler, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Ross and Shelby.

Mr. Hastings asked and obtained leave of absence until to-morrow.

And then the Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Bradley,

Ordered, That Mr. Leffler be appointed President pro tempore.

On motion of Mr. Bradley,

Ordered, That the Council adjourn until to-morrow morning at 10 o'clock.

FRIDAY MORNING, MAY 30TH, 1845.

Mr. Abbe presented the petition of 80 citizens of the counties of Linn and Jackson, praying the location of a road from the first angle post west of the eighty mile post, on the territorial road, in Linn county, leading from Marion to Belview in Jackson county; thence after crossing the Bloomington and Marion road via Andrew Safeleys' to south side of Big Sugar Grove; thence to Iowa City, via DeWitts landing on Cedar river and W. A. Henrys', &c.

Ordered, That said petition be referred to the committee on Roads.

Mr. Brattain from the committee on Engrossed Bills, reported
No. 30, C. F. A bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee;

No. 43, C. F. A bill to divorce Silas Deeds, of Jefferson county from his wife Lucy Ann Deeds;

As correctly engrossed.

Mr. Summers in accordance with previous notice introduced,

No. 44, C. F. A bill to relocate a certain territorial road;

Said bill was read a first and second time.

On motion of Mr. Summers,

Ordered, That said bill be engrossed and read a third time on tomorrow.

Mr. Coop from the committee on Roads, to which was referred,

No. 41, H. R. file, A bill to relocate a part of the territorial road running from Burlington, via. Fort Madison, to the bridge on Sugar Creek, in Lee county;

Reported the same back to the Council without amendment,

To which the Council agreed.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Stephenson from the committee on Claims, to which was referred,

No. 47, H. R. file, A bill for the relief of Samuel Parker;

Reported the same back to the Council without amendment,

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That said bill be referred to a select committee of three members.

Messrs. Summers, Stephenson and Leffler were appointed said committee.

Mr. Shelby from the joint committee on Enrollments, reported

That the committee had examined and found correctly enrolled

An act to provide for the payment of the expenses of the convention which assembled in Iowa City on the first Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa.

Mr. Shelby from the same committee, also reported,

That the committee had on this morning, presented to his Excellency the Governor, for his approval and signature,

An act to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace for the county of Buchanan;

Joint resolution providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties;

An act to establish a territorial road from Marion, in Linn county, to the Indian boundary, in a direct line to Fort Atkinson.

An act to amend an act entitled, "An act to provide for the partition of real property;

An act to abolish the office of Territorial Agent.

No. 51, H. R. file, A joint resolution instructing our Delegate in Congress, in regard to the boundaries of the future State of Iowa,

Was read a second time.

A motion was made by Mr. Shelby,

That the joint resolution be referred to the committee on Territorial Affairs,

Which passed in the affirmative,

Yeas 8—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Brierly, Coop, Leffler, Ross, Shelby, Stephenson and Thompson.

Those who voted in the negative were—Messrs. Abbe, Bradley, Hempstead, Summers and Mr. President.

No. 43, C. F. A bill to divorce Silas Deeds of Jefferson county, from his wife Lucy Ann Deeds,

Was read a third time,

And the question being put, shall the bill pass?

Was decided in the affirmative,

Yeas 10—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Ross and Shelby.

So the bill passed and its title was agreed to.

No. 34, H. R. file, A bill authorizing the construction of slopes in mill dams on Skunk river,

Being the order of the day, was taken up.

On motion of Mr. Summers,

Ordered, That said bill be referred to a select committee, composed of the delegation from the counties of Lee, Des Moines and Jefferson.

No. 42, C. F. A bill granting licenses and regulating taverns,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Brierly reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council with sundry amendments.

To which the Council agreed.

A motion was made by Mr. Summers,

That said bill be laid upon the table,

Which was decided in the affirmative;

Yeas 10—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brattain, Brierly, Coop, Leffler, Ross, Shelby, Stephenson, Summers and Thompson.

Those who voted in the negative were—Messrs. Abbe, Hempstead and Mr. President.

No. 30, C. F. A bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Thompson, their Chief Clerk.

Mr. President:—

I herewith return,

No. 6, C. F. A bill to amend an act entitled "An Act defining the jurisdiction of the Supreme Court and regulating the practice therein,

Which has been passed by the House of Representatives.

The House have passed,

No. 42, H. R. file, A bill to amend an act entitled "An Act for opening and regulating highways."

Also,

No. 50, H. R. file, A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods, and estray animals."

Also,

No. 46, H. R. file, A bill to relocate the county seat of Keokuk County.

No. 42, H. R. file, A bill to amend an act entitled "An Act for opening and regulating roads and highways,"

Was read a first time.

On motion of Mr. Hempstead,

Ordered, That said bill be read a second time now.

The bill was then read a second time.

A motion was made by Mr. Bradley.

That said bill be referred to the committee on roads with instructions to said committee, to so amend said bill, that petitioners for any county road established by the Board of Commissioners, shall be required to perform two days labor instead of one day, as provided for by the bill, and the one dollar and fifty cents be stricken out, and two dollars inserted.

A motion was made by Mr. Brattain,

To amend by striking out one day, and inserting five days,

Which passed in the negative.

Yeas 4—Nays 9.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Hempstead, Shelby and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brierly, Coop, Leffler, Ross, Stephenson, Summers and Thompson.

A motion was made by Mr. Hempstead,

To instruct the committee to strike out one day and insert three days.

Which was decided in the negative.

Yeas 5—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Brierly, Hempstead, Shelby, and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Coop, Leffler, Ross, Stephenson, Summers, and Thompson.

The question then recurred on the motion made by Mr. Bradley to refer with instructions.

When Mr. Shelby called for a division of the question, first upon referring to the committee.

Which passed in the affirmative.

The question was then, will the Council instruct the committee, in accordance with the motion of Mr. Bradley.

Which passed in the affirmative.

Yeas 7—Nays 6.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Leffler, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Brierly, Coop, Hempstead, Ross and Shelby.

No. 50, H. R. file, A bill to amend an act entitled "An Act concerning water crafts found adrift, lost goods, and estray animals,

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said bill be referred to the committee on Territorial Affairs.

No. 46, H. R. file, A bill to relocate the county seat of Keokuk county,

Was read a first and second time.

On motion of Mr. Ross,

Ordered, That said bill be referred to a select committee composed of three members.

Messrs. Ross, Shelby and Thompson were appointed said committee.

Mr. Coop from the committee on roads to which was referred the petition of citizens of Linn and Johnson counties praying the establishment of a certain territorial road, reported

No. 45, C. F. A bill to establish a territorial road from Linn Grove, of Linn county, to the Military Road in Johnson county.

Which was read a first and second time.

On motion of Mr. Abbe,

The 13th Rule was suspended and the bill was read a third time and passed.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A motion was made by Mr. Abbe,

That the Council adjourn until 9 o'clock to-morrow morning.

Which passed in the affirmative.

Yeas 9—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley,

Brattain, Hempstead, Leffler, Shelby, Stephenson, Summers, and Mr. President.

Those who voted in the negative were—Messrs. Brierly, Coop, Ross and Thompson.

So the Council adjourned until to-morrow morning at nine o'clock.

SATURDAY MORNING, MAY 31ST, 1845.

Mr. Brierly presented the petition of George Bebee of the town of Montrose, in Lee county, praying to be divorced from his wife, Mahala Bebee; also, the affidavits of several individuals in support of said petition.

A motion was made by Mr. Bradley,

That the petition with the affidavits be referred to the committee on Military Affairs.

The motion was lost.

On motion of Mr. Summers,

Ordered, That the said petition and affidavits be referred to the committee on the Judiciary.

Mr. Brierly also presented a communication from Gen. Jesse B. Brown, relative to said petition.

Ordered, That the communication be referred to the committee on the Judiciary.

Mr. Summers from the select committee to which was referred

No. 47, H. R. file, A bill for the relief of Samuel Parker,

Reported the same back to the Council with amendments.

The bill was then read a second time.

On motion of Mr. Summers,

Ordered, That said bill be read a third time on Monday next.

Mr. Abbe from the committee on Public Buildings to which was referred

No. 28, C. F. Joint Resolution providing for an examination into the affairs of the Penitentiary,

Reported the same back to the Council with amendments.

To which the Council agreed.

On motion of Mr. Brierly,

Ordered, That the joint resolution be engrossed and read a third time on Monday next.

Mr. Ross from the select committee to which was referred

No. 46, H. R. file, A bill to relocate the county seat of Keokuk county,

Reported the same back to the Council with amendments, which are as follows:

"Strike out in the first section the name of John W. Smith of Louisa county, and Dudley Hardy of Van Buren county, and insert Merrit Jamison of Louisa county, and E. Sells of Muscatine county.

And the question being put, will the Council concur in the amendments made by the committee,

Was decided in the negative.

The bill was read a second time.

On motion of Mr. Brierly,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Bradley reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with the exception of all but the enacting clause stricken out.

The question being will the Council concur in the report of the committee,

It was decided in the affirmative.

Yeas 8—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Hempstead, Ross, Shelby, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Brierly, Coop, Leffler, and Stephenson.

On motion of Mr. Summers,

Ordered. That the enacting clause of said bill be laid upon the table.

Mr. Brattain from the committee on Engrossed bills, reported

No. 44, C. F. A bill to relocate a certain territorial road,

As correctly engrossed.

Mr. Shelby from the committee on Enrolled bills reported.

An Act to amend an act entitled, "An Act defining the jurisdiction of the Supreme Court, and regulating the practice therein;

As correctly enrolled.

No. 44, C. F. A bill to relocate a certain territorial road,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Coop from the committee on roads to which was referred,

No. 42, H. R. file, A bill to amend an act entitled "An Act for opening and regulating roads and highways, with instructions,

Reported that the committee had amended the bill in accordance with the instructions.

The bill was then read a second time.

On motion of Mr. Coop,

Ordered, That the further consideration of said bill be indefinitely postponed.

A motion was made by Mr. Thompson,

That the Council adjourn until Monday morning at 9 o'clock.

Which passed in the affirmative.

Yeas 9—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Coop, Hempstead, Leffler, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Brierly, Ross, Shelby and Stephenson.

So the Council adjourned until Morning Morning 9 o'clock.

MONDAY MORNING, JUNE 2ND, 1845.

Mr. Summers presented a communication from J. D. Bourne, of Clin-
on county, directed to the committee on Claims.

Said communication was read.

Ordered, That it be referred to the select committee, to which was referred the claim of said Bourne.

Mr. Ross presented the petition of 59 citizens of the Territory, pray-

ing an amendment of the laws regulating licenses to sell ardent liquors, so that the citizens of each township may vote for or against granting such license.

Ordered, That said petition be referred to the select committee to which was referred,

No. 23. C. F. A bill to amend an act entitled, "An act regulating Grocery License," approved, Jan. 24th, 1840.

Mr. Stephenson presented the petition of John N. McDonald and others, praying the passage of a law authorizing the administrator of the estate of David Duke, deceased, to convey the undivided half of the northwest quarter of the southeast quarter of section 27, in township 70 north of range 5 west;

Also,

A communication from Henry Swan, praying for the same object.

Ordered, That the petitions be referred to the committee on the Judiciary.

Mr. Abbe presented the remonstrance of 36 citizens of Muscatine county, remonstrating against any change of the name of the town of Bloomington, in said county.

Ordered, That said remonstrance do lie upon the table.

Mr. Shelby presented the petition of 85 citizens of the counties of Van Buren and Davis, praying the location of a territorial road, commencing where a road now crosses Sullivans line of Missouri, leading from Keosauqua to Churchville; thence via. Fox river, Indian creek, Fox post office, Sebastian Streeter's and Loyd A. Nelson's, to the western line of Davis county.

Ordered, That said petition be referred to the committee on Roads.

Mr. Shelby presented the memorial of 39 citizens of Van Buren co., praying the passage of a law compelling the owners of dams already erected in the Des Moines river, and to be erected, to construct slopes in said dams so that fish may be allowed to pass up the said river.

Ordered, That said petition be referred to the committee on Territorial Affairs.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I herewith return

No. 40 C. F. A bill to change a part of a territorial road in the county of Lee;

No. 34, C. F. A bill to vacate a street in the town of Marion, in Linn county;

Which have been passed by the House.

Also, with one amendment

No. 29, C. F. A bill to amend an act entitled, "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved Feb. 12th, 1844;

In which the concurrence of the Council is requested.

The House have also passed,

No. 53, H. R. file, A memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Iowa river;

No. 40, H. R. file, A bill for the organization of the county of Iowa;

In which the concurrence of the Council is requested.

The House have passed

No. 48, C. F. A bill to establish a territorial road from Linn Grove in Linn county, to the military road in Johnson county;

Also,

No. 25, C. F. A bill to organize and discipline the Militia of this Territory;

With amendments.

I herewith return

An act to amend an act defining the jurisdiction of the Supreme Court and regulating the practice therein;

Also,

An act to provide for the payment of the expenses of the convention, which assembled in Iowa City on the first Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;

Both of which have been signed by the Speaker of the House of Representatives.

The House have indefinitely postponed

No. 20, C. F. A bill to amend an act defining the duties of County Surveyors, approved Feb. 9th, 1843.

And then he withdrew.

The President then signed the above acts.

Mr. Abbe presented the petition of 23 citizens of Muscatine county, praying a review and relocation of the territorial road from Rockingham in Scott county, to Moscow in Muscatine county.

Ordered, That said petition be referred to the committee on Roads.

Mr. Abbe, also presented the memorial of the trustees of the Iowa City College, praying an alteration of the 10th section of an act of the Legislative Assembly, approved Feb. 13th, 1843, donating a certain piece of ground to said College, so that said Incorporation may sell the same.

Ordered, That said memorial be referred to the committee on Incorporations.

Mr. Brattain from the committee on Engrossed Bills reported,
No. 28, C. F. Joint resolution providing for an examination into the affairs of the Penitentiary;

As correctly engrossed.

Mr. Brierly from the select committee to which was referred
No. 34, H. R. file, A bill authorizing the construction of slopes in mill-dams in Skunk river,

Reported the same back to the Council with amendments,

Said bill was then read a second time.

On motion of Mr. Hempstead,

Ordered, That said bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

No. 47, H. R. file, A bill for the relief of Samuel Parker;

No. 28, C. F. Joint resolutions providing for an examination of the affairs of the Penitentiary;

Were severally read a third time,

Passed and their titles agreed to

Ordered, That the Secretary acquaint the House of Representatives therewith,

No. 29, C. F. A bill to amend an act entitled, "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, Feb. 12th, 1844,

As amended by the House,

Was taken up and considered.

Ordered, That the amendment of the House be concurred in.

No. 53, H. R. file, Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Iowa river;

Was read a first time.

No. 40, H. R. file, A bill for the organization of the county of Iowa,

Was read a first and second time.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Stephenson gave notice that he would on some future day ask leave to introduce a bill to incorporate the Burlington and Mount Pleasant Turnpike Company;

Also,

A bill to change the time of holding the April terms of the county commissioners courts.

No. 25, C. F. A bill to organize and discipline the Militia of this Territory,

As amended by the House,

Was taken up and considered.

Ordered, That said amendments be concurred in

Mr. Hastings (Mr. Leffler being in the chair) asked and obtained leave to introduce

No. 46, C. F. A bill to exempt steam engines and machinery from taxation,

Which was read a first time.

A motion was made by Mr. Hastings,

That the bill be read a second time now;

The motion was lost.

Ordered, That the Council adjourn until 2 o'clock P. M.

Two o'clock, P. M.

Mr. Ross on leave being obtained presented the petition of 98 citizens of the counties of Louisa, Washington and Johnson, praying the location of a territorial road, commencing in Louisa county at the most practicable point on the territorial road leading from Burlington to Iowa City, near the farm of John Clark, on the Washington and Louisa county line; thence by the most practicable route to McClures' mill on English river; thence the nearest and best route to the widow Fry's, on Old Mans' creek; thence so as to intersect a road from Iowa City to the boundary.

Ordered, That the said petition be referred to the committee on Roads and said committee be instructed to report to-morrow morning.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I herewith present for your signature

An act to incorporate the University of Iowa;

The same having been signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the above act.

On motion of Mr. Ross,

Ordered, That the Council adjourn until to-morrow morning at 10 o'clock.

TUESDAY MORNING, JUNE 3, 1845.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

The House have passed,

No. 45, H. R. file, A bill to amend an act entitled "An Act to provide for the support of illegitimate children.

No. 49, H. R. file, A bill amendatory of an act to provide for changing the venue in civil and criminal cases, approved, 13th February, 1843.

No. 39, H. R. file, A bill amendatory of an act to authorize evidence by the oath of parties, approved, 20th January, 1843.

No. 55, H. R. file, A bill to locate a road from Washington county to Miles B. Friends in Keokuk county.

In which the concurrence of the Council is requested.

The House have also passed,

No. 9, C. F. A bill to amend an act entitled "An Act regulating Writs of Attachments."

Also, with an amendment,

No. 18, C. F. A bill to submit to the people the draft of a Constitution framed by the late Convention."

In which the concurrence of the Council is requested.

Mr. Summers presented the claim of James McIntosh for framing and varnishing three copies of Nicollet's Map.

Ordered, That said claim be referred to the committee on Claims.

On motion of Mr. Shelby,

Resolved, That the Librarian be requested to report to the Council,

FIRST—If any books have been taken from the Library and retained contrary to law.

SECOND—If so, how many, and what books have been so taken and retained—who took them away—and how long they have been retained.

Mr. Stephenson offered the following:

Resolved, That the committee on Internal Improvements be instructed to draft a Joint Memorial to the Congress of the United States, praying that an adequate sum of money be appropriated for the removal of the obstructions to navigation in the Mississippi River, occasioned by the Lower Rapids, in said river.

On motion of Mr. Summers,

Ordered, That the words "Upper and" be inserted in the above resolution, before the word "Lower."

The resolution as amended was adopted.

Mr. Coop from the committee on roads to which was referred the petition of citizens of Louisa and Johnson counties praying the location of a certain territorial road, reported

No. 47, C. F. A bill to establish a territorial road from the eastern line of Washington county to the Widow Fry's on Old Mans Creek.

Which was read a first and second time.

Ordered, That the bill be engrossed and read a third time on to-morrow.

Mr. Ross from the select committee to which was referred

No. 23, C. F. A bill to amend an act regulating Grocery license, approved, January 24, 1840.

Also,

The petition of citizens of the Territory praying an amendment to the present law regulating grocery license, reported said bill back to the Council with amendments.

Said bill was then read a second time.

A motion was made by Mr. Ross,

That the bill be engrossed and read a third time on to-morrow.

Pending which,

A motion was made by Mr. Shelby,

That the bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

Which motion having the precedence was put,

And decided in the affirmative.

Mr. Coop from the committee on roads to which was referred the petitions of citizens of Van Buren and Davis counties, praying the location of a certain territorial road, reported

No. 48, C. F. A bill to establish a territorial road in the counties of Van Buren and Davis.

Which was read a first and second time.

On motion of Mr. Shelby,

Ordered, That the bill be engrossed and read a third time on to-morrow.

Mr. Shelby from the committee on Enrollments, reported that the committee had examined and found correctly enrolled,

An Act to vacate a street in the town of Marion in Linn county.

An Act to establish a territorial road from Linn Grove of Linn county, to the Military road in Johnson county.

An act to organize and discipline the militia of this Territory.

An act to change a part of a territorial road in the county of Lee.

Mr. Hempstead from the committee on the Judiciary to which was referred the petition of George Bebee of Lee county, praying to be divorced from his wife Mahala Bebee, reported,

No. 49, C. F. A bill to divorce George Bebee from his wife Mahala Bebee.

Which was read a first and second time

On motion of Mr. Brierly,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Abbe on leave introduced,

No. 50, C. F. A bill for the relief of James Davis and James W. Tallman, former Sheriffs of Muscatine and Cedar counties.

Which was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That said bill be referred to the committee on Claims.

Mr. Stephenson in accordance with previous notice, introduced

No. 51, C. F. A bill to amend an act entitled "An Act organizing a Board of County Commissioners in each county," approved, February 15th, 1843.

Which was read a first and second time.

On motion of Mr. Coop,

Ordered, That said bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

No. 53, H. R. file, Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Iowa River,

Was read a second time.

On motion of Mr. Hempstead,

Ordered, That the 13th rule be suspended and the memorial be read a third time now.

The memorial was then read a third time and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 46, C. F. A bill to exempt steam engines and machinery from taxation,

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

No. 34, H. R. file, A bill to authorize the construction of slopes in mill dams in Skunk river,

Being the order of the day,

The Council resolved itself into a committee of the whole upon said bill.

After some time spent therein Mr. President resumed the chair and Mr. Shelby, reported,

That the committee had according to order, said bill under consideration, and directed him to report the same back to the Council with an amendment.

To which the Council agreed.

A motion was made by Mr. Thompson,

To strike out the words "one hundred" in the last line of the first section, and insert "eighty."

Which was decided in the negative.

Yeas 5—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Leffler, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brattain, Brierly, Coop, Hempstead, Ross, Shelby and Stephenson.

On motion of Mr. Leffler,

Ordered, That said bill be referred to the committee on Territorial Affairs,

Mr. Bradley on leave being granted, introduced

No. 52, Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory.

Which was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That the 13th rule be suspended, and the joint resolution be read a third time now.

The joint resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 45, H. R. file, A bill to amend an act entitled, "An act to provide for the support of illegitimate children,

Was read a first time.

No. 49, H. R. file, A bill amendatory of an act to provide for changing the venue in civil and criminal cases," approved Feb. 13, 1843,

Was read a first and second time.

On motion of Mr. Hempstead,

Ordered. That said bill be referred to the committee on the Judiciary.

No. 39, H. R. file, A bill amendatory of an act to authorize evidence by the oath of parties,

Was read a first and second time.

On motion of Mr. Brierly,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 55, H. R. file, A bill to locate a road from Washington county, to Miles B. Friends in Keokuk county,

Was read a first and second time.

A motion was made by Mr. Coop,

That said bill be referred to the committee on Roads,

The motion was lost.

On motion of Mr. Coop,

Ordered, That said bill do lie upon the table.

No. 18, C. F. A bill to submit to the people the draft of a Constitution, framed by the late convention,

As amended by the House,

Was taken up.

A motion was made,

That the Council concur in the amendment made by the House.

Which passed in the affirmative,

Yeas 9—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brattain,

Brierly, Coop, Hempstead, Leffler, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Ross and Stephenson.

And then the Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr. Shelby from the joint committee on Enrollments, reported,
That the committee had examined and found correctly enrolled
An act to submit to the people the draft of a Constitution framed by
the late convention.

Mr. Hastings, on leave being granted, introduced

No. 53, C. F. A joint resolution to authorize the trustees of the
Protestant Methodist Church, to convey their church half lot, in Iowa
City to the trustees of the Iowa City College,

Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That the 13th rule be suspended and the joint resolution
be read a third time now.

The joint resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives
therewith.

A motion was made by Mr. Ross,

To take from the table

No. 32, H. R. file, A bill to postpone the election of the members
of the House of Representatives of the Territory of Iowa, from August
until April,

Which was decided in the affirmative.

Yeas 7—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Bri-
erly, Coop, Hempstead, Leffler and Ross.

Those who voted in the negative were—Messrs. Abbe, Bradley, Shelby, Summers and Mr. President.

So the bill was taken from the table.

On motion of Mr. Hempstead,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Coop reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council without amendment,

To which the Council agreed.

A motion was made by Mr. Brierly,

That the 13th rule be suspended and the bill be read a third time now.

Pending which,

Mr. Shelby made a motion,

To refer the bill to the committee on Elections, with instructions as follows:

“Strike out all after the enacting clause and insert, “A bill to postpone the annual meeting of the Legislature to the first Monday in May next.”

Mr. Ross called for a division of the question,

First upon recommitting the bill,

Which passed in the negative,

Yeas 4—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Shelby and Thompson.

Those who voted in the negative were—Messrs. Bradley, Brierly, Coop, Hempstead, Leffler, Ross, Summers and Mr. President.

The question then recurred on the motion made by Mr. Brierly,

That the 13th rule be suspended,

Was decided in the affirmative,

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brierly, Coop, Hempstead, Leffler, Ross, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Brattain, Shelby and Summers.

So the rule was suspended, three fourths of the members present voting therefor.

A motion was made by Mr. Shelby,

That the enacting clause of said bill be stricken out.

Which was decided by the Chair (Mr. Summers acting as president) to be out of order.

Mr. Shelby appealed from the decision of the Chair,

And the question being put, shall the decision of the Chair stand as the judgment of the Council?

It was decided in the affirmative.

The bill was then read a third time,

And the question being put, shall the bill pass?

It was decided in the affirmative.

Yeas 10—Nays 2.

Those who voted in the affirmative were—Messrs Bradley Brattain, Brierly, Coop, Hempstead, Leffler, Ross, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe and Shelby.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

Mr. President—

I herewith return

An act to submit to the people the draft of a Constitution formed by the late convention,

The same having been signed by the Speaker of the House of Representatives,

And then he withdrew.

The President then signed the above entitled act.

And then the Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, JUNE 4TH, 1845.

A message from the House of Representatives by Mr. Thompson, their Clerk.

Mr. President—

I am directed to inform the Council, that the House have passed No. 62, H. R. file, Joint resolution instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228;

No. 67, H. R. file, A bill to legalize the location of a territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mill, in Delaware county;

No. 44, H. R. file, A bill to relocate the seat of justice of Lee county;

No. 58, H. R. file, A bill to establish the name of the town of Bloomington in Muscatine county;

No. 26, H. R. file, A bill to repeal the 6th section of an act subjecting real and personal estate to execution;

No. 35, H. R. file, A bill amendatory of an act entitled, "An act concerning costs and fees," approved Feb. 11th, 1843;

No. 63, H. R. file, Joint resolution instructing the Secretary to pay the widow of the late James Leonard, the full amount of his per diem, for this entire session;

No. 66, H. R. file, Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey river in the county of Clayton.

In which the concurrence of the Council is requested.

The House have also passed with amendments,

No. 39, C. F. Joint resolution requesting our Delegate in Congress to endeavor to procure the establishment of a mail route from Burlington, via. Lowell. Salem and Washington in Henry county, to the county seat of Wapello county;

No. 35, C. F. A bill for the relief of Wm. B. Snyder;

In which the concurrence of the Council is requested,

Also,

Without amendment,

No. 44, C. F. A bill to relocate a certain territorial road.

I herewith present for your signature,

An act to declare a certain road in Washington county a public highway;

An act to organize and discipline the Militia of this Territory;

An act to amend an act entitled, "An act to encourage the destruction of wolves," approved Jan. 7th, 1844;

An act to legalize the acts of William Foster an acting Justice of the Peace;

An act to relocate a part of the territorial road running from Burlington, via. Fort Madison, to the bridge on Sugar creek in Lee county;

An act to amend an act entitled, "An act for the organization of townships;

An act to regulate fees of Sheriffs and Constables in attendance on District Courts;

An act to change the eastern boundary of Washington county;

Joint resolution providing seals for certain counties therein named;

An act to vacate a street in the town of Marion in Linn county;

An act to change a part of a territorial road in the county of Lee;

An act to establish a territorial road from Linn Grove, of Linn county, to the military road in Johnson county.

All of which have been signed by the Speaker of the House of Representatives.

The House have also passed with amendments,

No. 52. C. F. Joint resolution to provide for the appointment of a Fiscal Agent for Iowa Territory;

Also,

No. 53, C. F. Joint resolution to authorize the trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the trustees of the Iowa City College.

In which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 30, C. F. A bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee.

And then he withdrew.

The President then signed the acts reported to have been signed by the Speaker of the House of Representatives.

Mr. Abbe presented the remonstrance of 54 citizens of Muscatine county, remonstrating against any change of the territorial road from Bloomington to Iowa.

Mr. Abbe also, presented the petition of 26 citizens of Muscatine

and Cedar counties, praying the vacation of a certain road across the Wapsinonoc creek.

Ordered, That said remonstrance and petition be referred to the committee on roads.

Mr. Ross presented the petition of 167 citizes of the town of Fort Madison in Lee county, praying the passage of a law prohibiting the Commissioners of any county in the Territory, to grant any license to retail spirituous liquors, in any township where a majority of the legal voters of such township have petitioned said Commissioners to withhold said license.

Ordered, That the said petition be laid upon the table.

Mr. Shelby offered the following:

Resolved, That the time of service of the present members of the Council will expire on the first Monday in August, 1846.

On motion of Mr. Summers,

Ordered, That said resolution be referred to a select committee.

Messrs. Summers, Hempstead, Abbe, Shelby, Coop, Leffler, Ross, Stephenson and Thompson, were appointed said committee.

Mr. Hempstead from the committee on the Judiciary, to which was referred,

No. 39, H. R. file, A bill amendatory of an act to authorize evidence by the oath of parties, approved, 20th January, 1843.

Reported the same back to the Council and recommended that said bill be indefinitely postponed,

To which the Council agreed.

Mr. Hempstead from the same committee to which was referred.

No. 49, H. R. file, A bill amendatory of an act to provide for changing the venue in civil and criminal cases, approved, 13th February, 1843.

Reported the same back to the Council with amendments,

To which the Council agreed.

Mr. Hempstead from the same committee, to which was referred;

No. 40, H. R. file, A bill for the organization of the county of Iowa.

Reported the same back to the Council with sundry amendments,

To which the Council agreed.

The said bills were severally read a second time.

Mr. Brattain from the committee on Engrossed Bills, reported

No. 47, C. F. A bill to establish a territorial road from the eastern line of Washington county to the Widow Fry's on Old Mans Creek.

No. 48, C. F. A bill to establish a territorial road in the counties of Van Buren and Davis.

No. 49, C. F. A bill to divorce George Bebee from his wife Mahala Bebee.

As correctly engrossed.

Mr. Coop from the committee on Roads, to which was referred the petition of 23 citizens of Muscatine county, praying the relocation of a certain road, reported,

No. 54, C. F. A bill to relocate a part of a territorial road leading from Rockingham, in Scott county, to Moscow in Muscatine county,

Which was read a first time.

Mr. Shelby from the joint committee on Enrollments, reported.

That the committee did, on the third day of June, present to the Governor for his signature and approval:

An act to amend an act entitled, "An act defining the jurisdiction of the Supreme Court, and regulating the practice therein;

An act to provide for the payment of the expenses of the convention, which assembled in Iowa City on the first Monday in October, A. D. 1844, to frame a Constitution for the State of Iowa;

Also, on June fourth,

An act to submit to the people the draft of a Constitution framed by the late convention.

On motion of Mr. Leffler,

No. 52, C. F. Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory,

As amended by the House of Representatives,

Was taken up and considered.

Ordered, That the amendments of the House of Representatives be concurred in.

No. 45, H. R. file, A bill to amend an act entitled "An Act to provide for the support of illegitimate children,

Was read a second time.

On motion of Mr. Abbe,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 47, C. F. A bill to establish a territorial road from the eastern line of Washington county, to the widow Fry's on Old Man's creek;

No. 48, C. F. A bill to establish a territorial road in the counties of Van Buren and Davis,

Said bills were severally read a third time,

Passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 49, C. F. A bill to divorce George Bebee from his wife Mahala Bebee,

Was read a third time and passed;]

Yeas 9—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Stephenson, Summers and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Ross, Shelby and Thompson.

So the bill passed and its title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith,

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

I herewith present for your signature

Joint resolution providing for the appointment of a Fiscal Agent for Iowa Territory,

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said joint resolution.

Ordered, That the Council adjourn until 2 o'clock P. M.

Two O'clock, P. M.

No. 23, C. F. A bill to amend an act entitled, "An act regulating Grocery License," approved, Jan. 24th, 1840.

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Bradley reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council with an amendment as follows:

Strike out all after the enacting clause.

And the question being put,

Will the Council concur in the report of the committee,

Which passed in the affirmative.

Yeas 11—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Stephenson, Summers and Mr. President.

Those who voted in the negative were—Messrs. Ross and Thompson.

On motion of Mr. Hempstead,

Ordered, That the enacting clause of said bill be laid upon the table.

No. 51, C. F. A bill to amend an act entitled, "An act organizing a Board of County Commissioners in each county," approved Feb. 15, 1843,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair and Mr. Abbe reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council without amendment,

To which the Council agreed.

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 46, C. F. A bill to exempt steam engines and machinery from taxation,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair and Mr. Brierly reported,

That the committee had according to order, had said bill under con-

sideration, and directed him to report the same back to the Council with all but the enacting clause stricken out.

And the question being put,

Will the Council concur in the report of the committee?

It was decided in the affirmative.

Yeas 12—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Ross, Shelby, Stephenson, Summers, and Thompson.

Mr. President voting in the negative.

On motion of Mr. Hempstead,

Ordered, That the enacting clause and title of said bill be indefinitely postponed.

No. 67, H. R. file, A bill to legalize the location of a territorial road from Cascade in Dubuque county, to O. A. Olmstead's mill in Delaware county,

Was read a first time.

No. 44, H. R. file, A bill to relocate the seat of justice of Lee county,

Was read a first and second time.

On motion of Mr. Thompson,

Ordered, That said bill be referred to a select committee.

Messrs. Thompson, Brierly and Shelby, were appointed said committee.

No. 58, H. R. file, A bill to establish the name of the town of Bloomington in Muscatine county;

No. 26, H. R. file, A bill to repeal the sixth section of an act subjecting real and personal estate to execution;

Said bills were severally read a first time.

No. 62, H. R. file, Joint resolution instructing our Delegate in Congress to procure an increase of facilities on mail route No. 4228,

Was read a first and second time,

And,

On motion of Mr. Summers,

It was amended by adding an additional resolution.

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

The resolutions as amended were read a third time,

Passed and the title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 35, H. R. file, A bill amendatory of an act entitled, "An act concerning costs and fees," approved Feb. 11th, 1843,

Was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said bill be referred to the committee on the Judiciary.

No. 63, H. R. file, Joint resolution instructing the Secretary to pay the widow of the late James Leonard, the full amount of his per diem for this entire session,

Was read a first and second time.

On motion of Mr. Bradley,

Ordered, That the 13th rule be suspended and the joint resolution be read a third time now.

The joint resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 66, H. R. file, Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey river in the county of Clayton,

Was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That the 13th rule be suspended and the memorial be read a third time now.

The memorial was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 39, C. F. Joint resolution requesting our Delegate in Congress to endeavor to procure the establishment of a mail route from Burlington, via. Lowell, Salem and Washington in Henry county, to the county seat of Wapello county,

As amended by the House,

Was taken up and considered.

On motion of Mr. Coop.

Ordered, That the amendments of the House of Representatives be concurred in.

No. 35, C. F. A bill for the relief of Wm. B. Snyder,

As amended by the House,

Was taken up and considered.

Ordered, That the first and third amendments be agreed to.

And the amendment made to the second section of the bill was amended by striking out the words, "and expenses."

No. 53, C. F. Joint resolution authorizing the trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City to the trustees of the Iowa City College,

As amended by the House,

Was taken up and considered,

And the amendments concurred in.

Mr. Leffler from the committee on Territorial Affairs, to which was referred a resolution of the Council relative to the debt due the Miners' Bank of Dubuque, reported,

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Dubuque,

Which was read a first time.

On motion of Mr. Coop,

No. 55, H. R. file, A bill to locate a road from Washington county to Miles B. Friend's in Keokuk county,

Was taken from the table,

And read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The President laid before the Council a communication from the Librarian, in accordance with a resolution of the Council,

Which was read.

Ordered, That said communication do lie upon the table.

And then the Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, JUNE 5TH, 1845.

Mr. Brattain from the committee on Engrossed Bills reported,

No. 51, C. F. A bill to amend an act entitled "An Act organizing a

Board of County Commissioners in each county," approved, February 15th, 1843.

As correctly engrossed.

Mr. Brierly from the select committee to which was referred No. 44, H. R. file, A bill to relocate the seat of justice of Lee county,

Reported the same back to the Council with sundry amendments.

On motion of Mr. Summers,

Ordered, That all the amendments made by the committee be concurred in.

Mr. Shelby from the committee on Enrollments, reported,

That the committee had examined and found correctly enrolled

An Act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee,

An Act to amend an act entitled "An Act allowing and regulating Writs of Attachments."

An Act to amend an act entitled, "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, Feb. 12th, 1844,

An Act to relocate a certain Territorial road.

Joint Resolution requesting our Delegate to endeavor to procure the establishment of a mail route from Burlington via Lowell, Salem and Washington in Henry county to the county seat of Wapello county.

Mr. Brierly from the committee on Internal Improvements, to which was referred a resolution of the Council instructing the committee to draft a memorial to Congress for an appropriation for the improvement of the Upper and Lower Rapids of the Mississippi river, reported

No. 56, C. F. Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

Which was read a first and second time.

On motion of Mr. Brierly,

Ordered, That the memorial be engrossed and read a third time on to-morrow.

Mr. Stephenson from the committee on Claims, to which was referred No. 50, C. F. A bill for the relief of James Davis and James W. Tallman, former Sheriffs of Muscatine and Cedar counties;

Reported the same back to the Council without amendment.

The said bill was then read a third time.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Stephenson from the committee on Claims, to which was referred the claim of James McIntosh, reported,

No. 57, C. F. A bill to authorize the Secretary of the Territory to pay the claim of James McIntosh.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I am directed to inform the Council that the House have passed, No. 52, H. R. file, A bill to prevent and punish the owners and masters of Steamboats committing trespass upon the property of persons living in this Territory, and for other purposes.

No. 43, H. R. file, A bill to incorporate the Scott county Hydraulic Company,

No. 56, H. R. file, A bill to amend an act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors, and Probate Courts, and for defining their duties, approved, February 13th, 1843.

No. 68, H. R. file, Joint Resolution to authorise the Clerk of the Supreme Court to use a certain room in the Capitol for the purpose of a clerk's office.

The House have also passed

No. 28, C. F. Joint Resolution providing for an examination into the affairs of the Penitentiary,

And then he withdrew.

Mr. Abbe presented the petition of William Patterson, President of N. I. C., E. Metcalf, Trustee of M. P. Church, David T. Kirby, R. F. Shinn and William K. Talbot, members of the M. P. Church, praying the reconsideration of a vote upon the passage of

No. 53, C. F. A joint resolution to authorize the trustees of the Protestant Methodist Church, to convey their church half lot, in Iowa City to the trustees of the Iowa City College.

On motion of Mr. Hastings,

Ordered, That said petition do lie upon the table.

On motion,

The Council adjourned until 2 o'clock P. M.

Two O'clock, P. M.

No. 57, C. F. A bill to authorize the Secretary of the Territory to pay the claim of James McIntosh,

Was read a first time.

No. 54, C. F. A bill to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county,

Was read a second time.

On motion of Mr. Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

No. 58, H. R. file, A bill to establish the name of the town known as the town of Bloomington, in Muscatine county.

On motion of Mr. Coop,

Ordered, That said bill be referred to the committee on Elections,

No. 26, H. R. file, A bill to repeal the 6th section of an act subjecting real and personal estate to execution,

Was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be referred to the committee on Agriculture.

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Du Buque,

Was read a second time.

On motion of Mr. Leffler,

Ordered, That the bill be referred to a committee of the whole Council and made the order of the day for to-morrow.

No. 67, H. R. file, A bill to legalize the location of a territorial road from Cascade in Dubuque county to O. A. Olmsteads' Mill in Delaware county.

On motion of Mr. Hempstead,

Ordered, That said bill be referred to the committee on Roads.

No. 49, H. R. file. A bill amendatory of an act to provide for changing the venue in civil and criminal cases," approved Feb. 13, 1843.

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 40, H. R. file, A bill for the organization of the county of Iowa,
Was read a third time.

On motion of Mr. Hastings,

Ordered, That the words "third Monday in the month of August," in the 8th line of the 12th section, be stricken out, and the words "second Monday in the month of July" be inserted.

The bill was then passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 51, C. F., A bill to amend an act entitled "An Act organizing a Board of County Commissioners in each county," approved, February 15th, 1843,

Was read a third time.

Mr. Stephenson by unanimous consent of the Council, offered to amend the bill as follows:

Strike out all after the word "the" in the 8th line of the first section, to the word "April" in the 9th line, and insert "second Monday."

To which the Council agreed.

The bill was then passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 43, H. R. file, A bill to incorporate the Scott county Hydraulic Company,

Was read a first and second time.

On motion of Mr. Summers,

Ordered, That the said bill be referred to a select committee.

Messrs. Summers, Shelby and Stephenson were appointed said committee.

No. 56, H. R. file, A bill to amend an act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors and Probate Courts, and for defining their duties, approved, February 13th, 1843,

Was read a first and second time.

On motion of Mr. Leffler,

Ordered, That 50 copies of said bill be printed,

And that the bill be referred to the committee on the Judiciary.

No. 68, H. R. file, Joint Resolution to authorize the clerk of the Supreme Court to use a certain room in the Capitol for the purpose of a clerks office.

Which was read a first time.

Mr. Hastings offered the following, (Mr. Hempstead being in the Chair,)

Resolved, That the committee on Territorial Affairs be instructed to report to the Council a joint resolution in relation to the northern boundary line of Iowa, by to-morrow morning.

A motion was made by Mr. Shelby,

That the resolution be laid upon the table.

The motion was lost.

A motion was then made by Mr. Shelby,

That the resolution be referred to the committee on Territorial Affairs.

Which passed in the affirmative.

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Brierly, Coop, Leffler, Shelby, Stephenson and Thompson.

Those who voted in the negative were—Messrs. Bradley, Hempstead, Summers, and Mr. President.

No. 52, H. R. file, A bill to prevent and punish the owners and masters of Steamboats committing trespass upon the property of persons living in this Territory and for other purposes.

Was read a first and second time.

On motion of Mr. Brierly,

Ordered. That said bill be referred to the committee on the Judiciary.

On motion of Mr. Brierly,

No. 44, H. R. file, A bill to relocate the county seat of Lee county,

Was taken up and read a second time.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Thompson, their Chief Clerk.

Mr. President:—

A motion has been made in the House to reconsider the vote taken on the passage of

No. 53, C. F. Joint resolution authorizing the Trustees of the Protestant Methodist Church to convey their Church half-lot in Iowa City, to the trustees of the Iowa City College.

Which motion has been laid on the table, subject to the will of the House.

And then he withdrew.

Mr. Abbe on leave presented the claim of James Trimble, Esq., for swearing members of the Council.

Ordered, That the account be referred to the committee on Claims.

Mr. Coop from the committee on roads to which was referred the petition of citizens of the counties of Muscatine and Johnson, praying the relocation of the road from Bloomington to Iowa City;

Also,

The remonstrance of citizens of said counties against said relocation, reported,

That the committee have had the same under consideration and are of the opinion, that it would be inexpedient to pass a law at the present session, authorizing such relocation, from the fact that the present road has been opened and considerable work expended on said road, and that there could not be any material advantage derived from such relocation. Therefore,

Your committee ask to be discharged from the further consideration of the subject.

Ordered, That the report of the committee be concurred in.

Mr. Leffler from the committee on Territorial Affairs to which was referred,

No. 34, H. R. file, A bill to authorize the construction of slopes in mill dams in Skunk river,

Reported the same back to the Council, and recommended that the further consideration of said bill be postponed until the first Monday of December next.

To which the Council agreed.

Mr. Hastings presented a communication from Malcolm Murray, W. B. Snyder and Thomas Snyder, building committee of the Methodist P. Church.

Which was read.

Ordered, That said communication do lie upon the table.

And then the Council adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, JUNE 6TH, 1845.

Mr. Abbe presented the remonstrance of 16 citizens of Cedar co., remonstrating against the relocation of a certain road,

Ordered, That the remonstrance be referred to the committee on Roads.

Mr. Summers introduced,

No. 58, C. F. Joint resolution to provide for the printing of the Laws.

Which was read a first and second time.

On motion of Mr. Brierly,

Ordered, That the blank in said joint resolution be filled with the words "twenty-five hundred."

Ordered, That said joint resolution be engrossed and read a third time on to-morrow.

Mr. Brierly offered the following:

Resolved, That Williams and Palmers, Editors of the Iowa Capitol Reporter, be employed to print the usual number of the Journals of the Council of the present session, and that they be allowed the price established by law.

On motion of Mr. Summers,

Ordered, That said resolution do lie upon the table.

Mr. Ross from the committee on Elections to which was referred No. 58, H. R. file, A bill to establish the name of the town known as the town of Bloomington in Muscatine county,

Reported the same back to the Council and recommended its indefinite postponement.

To which the Council agreed:

So the bill was indefinitely postponed.

Mr. Thompson from the committee on County Boundaries, to which was referred that portion of the Governors Message, as relates to the western part of the land ceded by the Sacs and Foxes, to the United States, by the treaty of October, 1842, and now occupied by said Indians; Reported,

That the committee have had the whole subject under consideration, and as there appears to be no certainty that said Indians will remove from said lands the present season, or before the next meeting of the Legislative Assembly;

Therefore, The committee are of the opinion that it would not be expedient to have any Legislative action on the subject during the present session.

The committee therefore asked leave to be discharged from the further consideration of the subject.

Ordered, That the report of the committee be concurred in.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 50, C. F. A bill for the relief of James Davis and James W. Tallman, former sheriffs of Muscatine and Cedar counties,

Reported the same back to the Council with an amendment.

To which the Council agreed.

The bill was read a second time.

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Hempstead from the same committee to which was referred

No. 52, H. R. file, A bill to prevent and punish the owners and masters of Steamboats committing trespass upon the property of persons living in this Territory and for other purposes,

Reported the same back to the Council without amendment.

On motion of Mr. Brierly,

Ordered, That the bill be read a third time on to-morrow.

Mr. Coop from the committee on road to which was referred,

No. 67, H. R. file, A bill to legalize the location of a territorial road from Cascade in Dubuque county, to O. A. Olmstead's mill in Delaware county,

Reported the same back to the Council with an amendment.

Which was read a second time.

To which the Council agreed.

On motion of Mr. Abbe,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Brattain from the committee on Engrossed bills, reported

No. 54, C. F. A bill to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county,

No. 56, C. F. Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

As correctly engrossed.

Mr. Shelby from the committee on the Judiciary to which was referred,

No. 35, H. R. file, A bill amendatory of an act entitled, "An act concerning costs and fees," approved Feb. 11th, 1843;

Reported the same with an amendment.

A motion was made by Mr. Hempstead,

That said bill be indefinitely postponed,

Pending which,

A motion was made by Mr. Leffler,

That the bill be recommitted to the committee on the Judiciary with instructions.

And the question being put, shall the bill be recommitted?

It passed in the affirmative.

Yeas 8—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Brierly, Coop, Leffler, Ross, Shelby, Summers and Thompson.

Those who voted in the negative were—Messrs. Abbe, Bradley, Hempstead, Stephenson and Mr. President.

Mr. Shelby from the committee on Enrolled bills reported as correctly enrolled,

A joint resolution to authorize the trustees of the Protestant Methodist Church, to convey their church half lot, in Iowa City to the trustees of the Iowa City College.

Mr. Shelby from the committee on the Judiciary to which was referred the petition of Mary Duke and others, praying that the administrator of the estate of David Duke, deceased, late of the county of Henry, may be authorized to convey to certain persons therein described, a certain tract or parcel of land,

REPORTED,

That to grant the prayer of the petitioners would, in the opinion of your committee, be clearly an assumption of judicial authority, if the facts exist as set forth in said petition, of which your committee have no reason to doubt. The petitioners have an easy and complete remedy in a court of equity, where all parties can if they wish, have a fair hearing; and the court will render that justice to all concerned, that may be consistent with equity and good conscience.

Your committee would therefore ask leave to be discharged from the

further consideration of the subject, and that the petitioners have leave to withdraw their papers.

And the question being put,

Will the Council concur in the report of the committee?

Was decided in the negative.

On motion of Mr. Brierly,

Ordered, That said committee be discharged from the further consideration of the subject, and that the petition be referred to Mr. Stephenson, and he have leave to introduce a bill.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 45, H. R. file, A bill to amend an act entitled "An Act to provide for the support of illegitimate children,

Reported the same back to the Council with amendments.

On motion of Mr. Hempstead,

Ordered, That said bill do lie upon the table subject to the order of the Council.

No. 57, C. F. A bill to authorize the Secretary of the Territory to pay the claim of James McIntosh,

Was read a second time.

On motion of Mr. Summers,

Ordered, That said bill do lie upon the table.

No. 68, H. R. file, Joint Resolution to authorize the clerk of the Supreme Court to use a certain room in the Capitol for the purpose of a clerks office.

On motion of Mr. Brimly,

Ordered, That the 13th rule be suspended and the joint resolution be read a third time now.

The join resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 54, C. F. A bill to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county.

No. 56, C. F. Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi river.

Said bills were severally read a third time,

Passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

Mr. President—

I am directed to inform the Council that the House have passed, No. 64, H. R. file, A bill to amend an act entitled an act concerning Bail, approved, January 25, 1839.

No. 65, H. R. file, A bill to authorize Duncan McGregor to keep a ferry across the Mississippi river in the county of Clayton.

No. 71, H. R. file, Joint resolution for the payment of Charles Gayman for work done at the Capitol.

The House have passed with amendments,

No. 37, C. F. A bill to provide for the election of an additional justice of the peace in the township of Fort Madison in the county of Lee.

No. 19, C. F. A bill to amend an act entitled "An act to provide for the election of justices of the peace, to prescribe their powers and duties and to regulate their proceedings," approved, February 9th, 1839.

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

In which the concurrence of the Council is requested.

The House have also passed without amendment,

No. 47, C. F. A bill to establish a territorial road from the eastern line of Washington county to the Widow Fry's on Old Mans Creek.

The House have concurred in the amendment of the Council to,

No. 62, H. R. file, Joint resolution instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228.

Also,

The amendment of the Council to the amendment of the House to the second section of

No. 35, C. F. A bill for the relief of Wm. B. Snyder.

The House have also passed,

No. 74, H. R. file, A bill for a supplement to an act entitled "An act to incorporate the University of Iowa City," approved, 2nd day of June, 1845.

In which the concurrence of the Council is requested,

And then he withdrew.

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Dubuque,

Being the order of the day,

The Council resolved itself into a committee of the Whole upon said bill.

After some time spent therein, Mr. President resumed the Chair, and Mr. Hempstead reported,

That the committee had, according to order, had said bill under consideration, and directed him to report the same back to the Council with amendments,

On motion of Mr. Summers,

Ordered, That the Council adjourn until 2 o'clock P. M.

Two O'clock, P. M.

On motion of Mr. Summers,

The Council in committee of the whole Council resumed the consideration of

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Du Buque,

After some time spent therein, Mr. President resumed the Chair and Mr. Hempstead reported,

That the committee had according to order, had said bill under consideration, and directed him to report the same back to the Council with sundry amendments.

To which the Council agreed.

Ordered, That the bill be engrossed and read a third time on tomorrow.

No. 64, H. R. file, A bill to amend an act entitled "An act concerning Bail," approved, January 25, 1839,

Was read a first and second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 65, H. R. file, A bill to authorize Duncan McGregor to keep a ferry across the Mississippi river in the county of Clayton,

Was read a first and second time.

Ordered, That said bill be referred to the committee on Incorporations.

No. 37, C. F. A bill to provide for the election of an additional justice of the peace in the township of Fort Madison in the county of Lee,

As amended by the House of Representatives,

Was taken up.

Ordered, That the Council concur in the amendments made by the House.

No. 71, H. R. file, Joint resolution for the payment of Charles Gayman for work done on the Capitol.

Was read a first time.

No. 19, C. F. A bill to amend an act entitled "An act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," approved, February 9, 1839,

As amended by the House of Representatives,

Was taken up.

On motion of Mr. Leffler,

Ordered, That the amendment made as a second section, be disagreed to.

Ordered, That the amendment made as a fourth section to said bill be disagreed to.

A motion was made by Mr. Bradley,

That the third amendment be concurred in.

The motion was lost.

The Council then disagreed to the amendments made as a third amendment.

A motion was made by Mr. Abbe,

That the bill be laid upon the table.

The motion was lost.

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company,

As amended by the House,

Was taken up,

And the first amendment was not agreed to.

The question then was put on the adoption of the second amendment made by the House,

Which was agreed to, all the members present voting therefor.

The third amendment was then agreed to.

No. 74, H. R. file, A bill for a supplement to an act entitled "An act to incorporate the University of Iowa City, approved, 2nd day of June, 1845,

Was read a first time,

A motion was made by Mr. Hempstead,

That said bill be rejected,

Which passed in the affirmative.

Yeas 11—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Ross, Shelby, Stephenson, Thompson and Mr. President.

Mr. Summers voting in the negative.

So the bill was rejected.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I am directed to inform the Council, that the House have passed No. 48, H. R. file, A bill to punish persons trespassing upon lands. No. 72, H. R. file, Joint resolution providing for auditing the account of Samuel Isaacs, for stationary furnished the Convention.

In which the concurrence of the Council is requested.

The House have appointed Messrs. Hunor and Davis to act with a similar committee on the part of the Council to examine into the affairs of the Penitentiary.

I herewith present for your signature,

An Act to amend an act entitled, "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory," approved, Feb. 12th, 1844,

An Act to amend an act entitled "An Act allowing and regulating Writs of Attachments."

An Act to relocate a certain Territorial road.

An Act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee,

Joint Resolution requesting our Delegate to endeavor to procure the establishment of a mail route from Burlington via. Lowell, Salem and Washington in Henry county to the county seat of Wapello county.

An act to postpone the election of the members of the House of Representatives of the Territory of Iowa, from August until April.

An act to locate a territorial road from Washington county to Miles B. Friend's in Keokuk county

Joint resolution instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228.

An act for the relief of Samuel Parker.

Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Iowa River.

All of which have been signed by the Speaker of the House of Representatives.

The President then signed said acts.

No. 48, H. R. file, A bill to punish persons trespassing upon lands.

No. 72, H. R. file, Joint resolution providing for auditing the accounts of Samuel Isaacs for stationary furnished the Convention.

Said bill and joint resolution were severally read a first time.

On motion of Mr. Summers,

No. 58, C. F. Joint resolution to provide for printing the Laws,

Was taken up,

The joint resolution was then read a second time.

Ordered, That the said resolution be referred to the committee on the Judiciary.

A message from the House of Representatives by Mr. Thompson, their Clerk.

Mr. President—

I am directed to inform the Council that the House have concurred in the amendments made by the Council to

No. 49, H. R. file, A bill amendatory of an act to provide for changing the venue in civil and criminal cases," approved Feb. 13, 1843.

No. 40, H. R. file, A bill for the organization of the county of Iowa.

No. 44, H. R. file, A bill to relocate the seat of justice of Lee county.

And then he withdrew.

On motion of Mr. Stephenson,

Ordered, That a committee be appointed to confer with Mr. McIntosh relative to binding and stitching the Laws.

Messrs. Stephenson, Ross and Shelby were appointed said committee.

A motion was made by Mr. Hastings, (Mr. Coop being in the chair officiating as President,)

That,

No. 45, H. R. file, A bill to amend an act entitled "An act to provide for the support of illegitimate children,"

Be taken from the table.

Which passed in the affirmative.

Yeas 8—Nays 5.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Coop, Hempstead, Shelby, Summers and Mr. President.

Those who voted in the negative were—Messrs. Brierly, Leffler, Ross, Stephenson and Thompson.

A motion was made,

That the Council concur in the amendment to said bill reported by the committee on the Judiciary,

Which amendment is to strike out all after the enacting clause of said bill, and to repeal all laws now in force on the subject.

Which passed in the negative,

Yeas 3—Nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Hempstead and Summers.

Those who voted in the negative were—Messrs. Brattain, Brierly, Coop, Leffler, Ross, Shelby and Thompson.

A motion was made by Mr. Thompson,

That the bill be laid on the table.

Which was decided in the affirmative.

Yeas 9—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Leffler, Ross, Summers and Thompson.

Those who voted in the negative were—Messrs. Brattain, Shelby, and Mr. President.

So the bill was laid upon the table.

A message from the House of Representatives, by Mr. Thompson, their Chief Clerk.

Mr. President:—

The House have passed,

No. 4. C. F. A bill to establish a territorial road from Bloomington to Davenport,

With sundry amendments, in which the concurrence of the Council is requested.

And then the Council adjourned until to morrow morning at 9 o'clock.

SATURDAY MORNING, JUNE 7TH, 1845.

A message from His Excellency the Governor, was announced.

A motion was made by Mr. Leffler,
That the message be now taken up and considered.

A motion was made by Mr. Stephenson,
That the message do lie upon the table until Monday next,
Which passed in the negative.

Yeas 2—Nays 11.

The yeas and nays being demanded,
Those who voted in the affirmative were—Messrs. Ross and Stephenson.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

The question then recurred upon the motion of Mr. Leffler to take up the message,

Which passed in the affirmative,
Yeas 11—Nays 2.

The yeas and nays being demanded,
Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Ross and Stephenson.

The message was then read as follows:

EXECUTIVE DEPARTMENT,
Iowa City, June 6th, 1845. }

I return to the Council, in which it originated, the act entitled "An act to submit to the people the draft of a Constitution framed by the late convention," with my objections to it.

The act of the Legislature, under the provisions of which the late convention assembled, expressly reserves to the people, the right to vote for or against the Constitution, at the April election succeeding its formation, and the ordinary course would have been, to await the action of the people upon it, before presenting it to Congress, and asking admission into the Union. This application for admission, before the peo-

ple had determined whether they would adopt or reject the Constitution, though out of the usual course, was the less objectionable, because the Constitution put Congress in possession of the fact, that it was subject to be rejected, if such should be the pleasure of the qualified electors of the Territory, at the April election of the present year. That provision of the Constitution will be found in the sixth section of the thirteenth article, in the following words: "This Constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified electors of this Territory, at the township elections in April next, in the manner prescribed by the act of the Legislative Assembly, providing for holding this convention; provided, however, that the General Assembly of this State may ratify or reject any conditions Congress may make to this Constitution after the first Monday in April next." Congress did make provisions for the admission of Iowa, by an act entitled "An act for the admission of the States of Iowa and Florida into the Union," in which will be found the following provision: "That it is made and declared to be a fundamental condition of the admission of the said State of Iowa into the Union, that so much of this act as relates to the said State of Iowa, shall be assented to by a majority of the qualified electors, at their township elections, in the manner, and at the time prescribed in the sixth section of the thirteenth article of the Constitution, adopted at Iowa City, the first day of November, Anno Domini eighteen hundred and forty-four, or by the Legislature of the said State." It will be seen that this provision of the act of Congress goes beyond the Constitution, in providing that the Legislature of the State may, as well as the qualified electors, assent to the provisions of that act; but it is difficult to comprehend how a Legislature of the State can assent to, or reject terms of admission, the acceptance of which, "is declared to be a fundamental condition" of our becoming a State.

The power to accept or reject the conditions upon which our entrance into the Union was made to depend, having been thus plainly presented to us, it is not easy to account for the fact, that no poll was opened, or vote taken at the April election, for or against the ratification of the conditions upon which Congress had provided for our admission. Owing to this unfortunate oversight, and without appearing to be aware of their right to accept or reject those conditions, by a direct vote at the April elections, a question was raised among the people, whether the adoption of the Constitution, would, as a necessary consequence, carry with it the adoption of the boundary for the new

State, proposed by Congress. Or, in other words, the people did not seem to understand that they possessed the same right to vote upon, and accept or reject the boundaries, that they had in reference to the Constitution itself. This confusion in the public mind, "there is reason to believe, had much influence in producing the rejection of the Constitution."

This view presents an outline of our proceedings in relation to our effort to obtain admission into the Union. Out of them has arisen a necessity for further legislation, to carry out the previously expressed wish of the people to throw off the Territorial government, or to ascertain whether that wish is still entertained. I had the honor, at the commencement of your present session, in my message to the two Houses, to suggest the course of legislation which I thought best calculated to give general satisfaction in relation to this matter, and which, if adopted, would have enabled us, if such had appeared to be the will of the majority, to present anew to Congress, at the commencement of the next session, our wish to be admitted as a member of the Union. Of this particular course, however, I am not at all tenacious. There is no constitutional provision or established usage, which should restrain a Territorial Legislature from directing polls to be opened for the purpose of ascertaining the will of the constituent body, in relation to the adoption or rejection of any proposition for forming a Constitution, or adopting it, after it has been formed, or to decide upon the terms imposed by Congress upon their admission, when that power has been reserved by the Constitution, or conceded by Congress. The right so to legislate being admitted, the propriety of re-submitting the Constitution to the people, by whom it has been so recently rejected, is between the people and their representatives; and the justification of it can only be found, in the acknowledged fact, that a great, if not a decisive, influence was produced, resulting in the rejection of that instrument, by a supposed connection between it and the question of boundary.

The adoption or rejection of the boundary ought to have been decided at the April election, by a direct vote upon the conditions imposed by Congress, upon our admission, as directed both by the Constitution and the act of Congress. It remains yet to be settled in some way, before we can gain admittance into the Union. The first Monday in April having passed, the Constitution, "as it came from the hands of the convention," if it is adopted at the August election, will permit the Legislature of the State, to accept any conditions which Congress subsequently to that time, may impose upon our admission into the Union, but that

provision will be inoperative as to the conditions imposed by the act of Congress above referred to; because, it was enacted before the first Monday in April, and they must, therefore, if the act remains in force, and effect is given to the Constitution, be ultimately met by a direct vote of the people.

The act under consideration declares in the eighth section, "that the admission of the State shall not be deemed complete, until whatever conditions that may be imposed by Congress, shall be ratified by the people." If the Constitution should be ratified at the August election, this provision of the act will be found to conflict with it. The people having failed to vote at the April election, for or against the conditions upon which the act of Congress proposed to admit us, it would but be carrying into effect the provisions of the Constitution, and of the act of Congress, to allow the people to dispose of those conditions by a direct vote, at the same time that they are called upon to vote, a second time, for or against the adoption of the Constitution. Until that question is decided, we cannot become a State, without the act of Congress referred to is repealed. I cannot, therefore, discover the propriety of withholding that question from the people. The Constitution provides for the submission of the two questions at the same election, and the neglect so to vote, has already given rise to much confusion.

The Constitution, which this act provides for resubmitting to the people at the August election, has not assumed an obligatory force, and can only derive it from the adoption of the people. And although it may be a proper exercise of legislative authority to fix the time, and provide the manner of bringing it before the people, it is not, in my opinion, competent to the legislative power to alter or amend it in any particular, so, as to control its operation, if it should be adopted by the people, "as it came from the hands of the convention." A direct attempt is made by this act to control several of its important provisions. The seventh section of the thirteenth article of the Constitution, provides that "the first general election under this Constitution, *shall be held* on the first Monday in August next, after the adoption of the Constitution by the people of this Territory." The eighth section of the act says, that "*no election* for State officers shall be held under said Constitution, if ratified at said election, until the admission of the State of Iowa is complete." Now, if the Constitution, "as it came from the hands of the convention," is ratified by the people at the August election, which will be the paramount law—the Constitution thus ratified, which says there *shall be* an election of State officers, on a certain day after its rat-

ification by the people, or this act, which attempts to abrogate that provision of the Constitution, by declaring that "*no election of State officers*" shall be held under said Constitution, if ratified, until the admission of Iowa is complete? This confliction between the Constitution and the legislative act, would inevitably produce confusion; and if effect should be given to the act, when, and by what authority, would the first general election under the Constitution be held? Who would be authorised to declare the admission of the State of Iowa to be complete? Without such a power somewhere, and without a time fixed for holding the first general election under the Constitution, the organization of the State government could not be effected; and we should, probably, be compelled to resort to the novel expedient of organizing a State government by Territorial legislation, if, perchance, the Territorial legislature had not ceased to exist when "the admission of the State of Iowa was complete."

From such a state of things, nothing but inextricable confusion and difficulty could result. A critical examination and comparison of this act with the Constitution, will expose other discrepancies of less importance; but those already stated, forbid me to give effect to the act by my official approbation.

JOHN CHAMBERS.

A motion was made by Mr. Leffler,

That the bill be now passed by the constitutional majority.

Pending which,

A motion was made by Mr. Stephenson,

That the Council adjourn until Monday morning at 10 o'clock,

Which passed in the negative,

Yeas 2—Nays 11.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Ross and Stephenson.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

The question then recurred on the motion of Mr. Leffler, that the bill be passed by the constitutional majority,

Which passed in the affirmative,

Yeas 11—Nays 2.

The yeas and nays being required by the provisions of the Organic law.

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Ross, and Stephenson.

So the bill was passed by the constitutional majority.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Stephenson on leave introduced,

No. 59, C. F. Preamble and joint resolution providing for an expression of the Legislative Assembly of the Territory, relative to the boundaries prescribed by Congress for the future State of Iowa,

Which was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That said preamble and joint resolution be referred to the committee on Territorial Affairs.

Mr. Brattain from the committee on Engrossed Bills, reported,

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Dubuque;

No. 50, C. F. A bill for the relief of James Davis and James W. Tallman, former Sheriffs of Muscatine and Cedar counties;

As correctly engrossed.

Mr. Coop from the committee on Roads, to which was referred the petition of citizens of Muscatine county, praying the vacation of a certain road;

Also,

To which was referred the remonstrance of citizens of Muscatine, remonstrating against such vacation,

Reported that the committee have inquired into the propriety of granting the prayer of said petitioners, and are of the opinion that it would not be expedient to pass a law vacating said road.

The committee therefore ask leave to be discharged from the further consideration of the subject.

Ordered, That the report of the committee be concurred in.

Mr. Hempstead from the committee on the Judiciary, to which was referred,

No. 65, H. R. file, A bill to authorize Duncan McGregor to keep a ferry across the Mississippi river, in the county of Clayton,

Reported the same back to the Council with amendments.

Said bill was then read a second time.

On motion of Mr. Hempstead,
Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith,

Mr. Hempstead from the same committee to which was referred,

No. 58, C. F. Joint resolution providing for the publication of the laws,

Reported the same back to the Council with amendments,

To which the Council agreed.

The joint resolution was then read a second time.

On motion of Mr. Hempstead,

Ordered, That the joint resolution be engrossed and read a third time this afternoon.

Mr. Hempstead from the same committee to which was referred,

No. 56, H. R. file. A bill to amend an act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors and Probate Courts, and for defining their duties, approved, February 13th, 1843,

Reported the same back to the Council with sundry amendments,

To which the Council agreed.

On motion of Mr. Bradley,

Ordered, That the words "resignation, removal from the county," be inserted after the word "death" in the third line of the seventh section.

Mr. Shelby from the committee on Enrollments, reported,

That the committee did on the 6th day of June, present to the Governor for his approval and signature

An act to relocate a certain territorial road;

An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee;

Joint resolution requesting our Delegate in Congress to endeavor to procure the establishment of a mail route from Burlington, via. Lowell, Salem and Washington in Henry county, to the county seat of Wapello county;

An act to amend an act entitled, "An act allowing and regulating writs of attachment;

An act to amend an act entitled, "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory, approved Feb. 12, 1844.

An act to organize and discipline the militia of this Territory;

An act to establish a territorial road from Linn Grove of Linn county, to the military road in Johnson county;

An act to vacate a street in the town of Marion in Linn county;

An act to change a part of a territorial road in the county of Lee.

Mr. Shelby from the same committee, also reported,

That the committee had examined and found correctly enrolled,

Joint resolution providing for an examination into the affairs of the Penitentiary.

Mr. Leffler from the committee on Territorial Affairs, to which was referred,

No. 51, H. R. file, Joint resolution authorizing and instructing our Delegate in Congress, in regard to the boundaries of the future State of Iowa,

Reported the same back to the Council with amendments,

To which the Council agreed.

A motion was made by Mr. Leffler,

That the 13th rule be suspended, and that the resolution be read a third time now,

Which passed in the affirmative.

Yeas 9—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brierly, Coop, Leffler, Ross, Shelby, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain and Hempstead.

The resolution was then read a third time,

Passed and its title agreed to.

Yeas 10—Nays 3.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Brierly, Coop, Leffler, Ross, Shelby, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were Messrs. Abbe, Bradley and Hempstead.

Ordered, That the Secretary acquaint the House of Rep. therewith.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 56, H. R. file, A bill to amend an act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors, and

Probate Courts, and for defining their duties, approved, February 13th, 1843,

Reported the same back to the Council with sundry amendments,

Which was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Stephenson on leave introduced,

No. 67, C. F. A bill to authorize Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, to convey certain lands.

Which was read a first and second time.

On motion of Mr. Ross,

Ordered, That the bill be engrossed and read a third time.

Mr. Stephenson on leave introduced,

No. 61, C. F. A bill to incorporate the Burlington and Mount Pleasant Turnpike company,

Which was read a first and second time.

On motion of Mr. Stephenson,

Ordered, That said bill be referred to the committee on Incorporations.

Mr. Brattain from the committee on Engrossed Bills, reported,

No. 58, C. F. Joint resolution to provide for the printing of the Laws,

As correctly engrossed.

No. 71, H. R. file, Joint resolution for the payment of Charles Gayman for work done on the Capitol.

Was read a second time.

On motion of Mr. Bradley,

Ordered, That the joint resolution do lie upon the table.

No. 48, H. R. file, A bill to punish persons trespassing upon lands.

Was read a second time.

On motion of Mr. Brierly,

Ordered, That the same be referred to the committee on the Judiciary.

No. 72, H. R. file, Joint resolution providing for auditing the account of Samuel Isaacs, for stationary furnished the Convention.

Was read a second time.

On motion of Mr. Bradley

Ordered, That said resolution do lie upon the table.

No. 52, H. R. file, A bill to prevent and punish the owners and masters of Steamboats committing trespass upon the property of persons living in this Territory and for other purposes,

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Dubuque,

Said bills were severally read a third time,

Passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 50, C. F. A bill for the relief of James Davis and James W. Tallman, former sheriffs of Muscatine and Cedar counties,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 46, C. F. A bill to establish a territorial road from Bloomington to Davenport,

As amended by the House,

Was taken up,

And the amendments agreed to.

On motion,

Ordered, That the vote rejecting

No. 74, H. R. file, A bill for a supplement to an act entitled "An act to incorporate the University of Iowa approved, 2nd day of June, 1845,

Be reconsidered.

The bill was then read a second time.

On motion of Mr. Shelby,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 58, C. F. Joint resolution providing for the publication of the laws.

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then the Council adjourned until 2 o'clock P. M.

Two O'clock, P. M.

On motion of Mr. Brierly,

Ordered, That the resolution to provide for printing the Journal of the Council,

Be taken from the table.

On motion of Mr. Summers,

The following was added thereto:

"And that James Mackintosh be employed to bind and stitch the same and that he be allowed the prices fixed by law."

The resolution as amended was adopted.

A motion was made by Mr. Brierly,

That the Council do now proceed to elect by ballot, one member on the part of the Council, to act with the two members on the part of the House, whose duty is to examine and report on the affairs of the Penitentiary,

To which the Council agreed.

Messrs. Hempstead and Stephenson were appointed tellers, and upon counting the votes it appeared that

Mr. Brierly	had	-	-	-	-	-	7 votes.
" Coop	"	-	-	-	-	-	1 vote.
" Leffler	"	-	-	-	-	-	1 "
" Thompson	"	-	-	-	-	-	3 "
Blank	"	-	-	-	-	-	1 "

Mr. Brierly having a majority of all the votes, was declared duly elected.

A motion was made by Mr Hempstead,

That,

No. 45, H. R. file, A bill to amend an act entitled, "An act to provide for the support of illegitimate children,

Be taken from the table,

Which passed in the negative.

Yeas 6—Nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Coop, Hempstead, Shelby, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brierly, Leffler, Ross, Stephenson and Thompson.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I herewith return

An act to submit to the people the draft of a Constitution framed by the late convention,

Which passed the House with a constitutional majority, being two thirds of the members thereof.

And then he withdrew.

A motion was made by Mr. Abbe,

That the Council adjourn until Monday morning at 10 o'clock,

Which passed in the negative,

Yeas 6—Nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Coop, Leffler, Shelby and Summers.

Those who voted in the negative were—Messrs. Brattain, Brierly, Hempstead, Ross, Stephenson, Thompson, and Mr. President.

A motion was then made by Mr. Stephenson,

To adjourn until 9 o'clock on Monday morning,

Was decided in the affirmative,

Yeas 7—Nays 6.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Bradley, Brattain, Coop, Leffler, Stephenson, Summers and Thompson.

Those who voted in the negative were—Messrs. Abbe, Brierly, Hempstead, Ross, Shelby and Mr. President.

So the Council adjourned until Monday morning at 9 o'clock.

MONDAY MORNING, JUNE 9TH, 1845.

A Message from the Governor by Mr. Reno was presented.

Mr. Ross presented the petition of 109 citizens of Mahaska county praying the location of a territorial road from Dahlenega in Wapello county to Oskaloosa in Mahaska county.

Ordered, That petition be referred to the committee on Roads.

Mr. Ross asked and obtained leave of absence for the remainder of the session.

Mr. Brierly offered the following:

Resolved, That J. F. Kinney, Secretary of the Council, be, and he is hereby authorized to superintend the publication of the Journals of the Council of the present session, and index and distribute the same; for which service he shall be paid the sum of three hundred dollars. And it is hereby made his duty to distribute said Journals among the different counties, as soon as they are published.

Mr. Brattain from the committee on Engrossed Bills reported,

No. 60, C. F. A bill to authorize Henry Swan, administrator of the estate of David Duke, late of the County of Henry, deceased, to convey certain lands.

Mr. Brierly on leave introduced,

No. 62, C. F. Joint Resolution relative to indexing and distributing the Laws of the Extra Session in June, 1844, and the present session.

Which was read a first time.

Mr. Summers from the select committee to which was referred,

No. 43, H. R. file, A bill to incorporate the Scott county Hydraulic Company,

Reported the same back to the Council, and recommended that said bill be laid upon the table until the first Monday of December next.

The question being upon the adoption of the Report of the committee.

It was decided in the negative.

Yeas 6—Nays 6.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brierly, Leffler, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brattain, Coop, Hempstead and Shelby.

A motion was made by Mr. Hempstead,

That the further consideration of said bill be indefinitely postponed.

Pending which,

A motion was made by Mr. Summers,

That said bill be laid upon the table, subject to the order of the Council.

Which passed in the affirmative.

Yeas 10—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Brattain, Brierly, Coop, Leffler, Shelby, Stephenson, Summers, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bradley and Hempstead.

So the bill was laid upon the table.

Mr. Coop presented the remonstrance of 212 citizens of the counties of Wapello and Mahaska, remonstrating against the location of a territorial road from Dahlenega in Wapello county to Oskaloosa in Mahaska county.

Ordered, That said remonstrance be referred to the committee on roads.

Mr. Hastings from the committee on the Judiciary, to which was referred,

No. 48, H. R. file, A bill to punish persons trespassing upon lands, Reported the same back to the Council without amendment.

Said bill was then read a second time.

Mr. Shelby from the committee on Enrollments, Reported that the committee had examined and correctly enrolled, An act for the relief of William B. Snyder.

An Act to provide for the election of an additional justice of the peace in the township of Fort Madison in the county of Lee.

An Act to establish a territorial road from Bloomington to the county line of Scott county, near the present road leading from Davenport.

Mr. Hempstead in accordance with previous notice, introduced,

No. 63, C. F. A bill to prevent and punish the obstructions of public roads and highways."

Which was read a first and second time.

A motion was made by Mr. Abbe,

That the words "and shall be imprisoned in the county jail until the fine and costs are paid," in the 1st section, be stricken out."

To which the Council agreed.

On motion of Mr. Hempstead,

Ordered, That the bill be considered as engrossed, and

That the 13th rule be suspended, and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Leffler presented the account of William and Palmer, for papers furnished and incidental printing, &c.

Ordered, That said account be referred to the committee on Expenditures.

Mr. Stephenson presented the claim of A. P. Wood, for papers furnished members.

Ordered, That the claim be referred to the committee on Expenditures.

Mr. Leffler from the committee on Incorporations to which was referred,

No. 61, C. F. A bill to incorporate the Burlington and Mount Pleasant Turnpike Company,

Reported the same back to the Council and recommend that said bill do lie upon the table.

To which the Council agreed.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

I am directed to inform the Council, that the House have passed

No. 61, H. R. file, A bill to organize the county of Marion.

No. 78, H. R. file, A bill to repeal an act repealing a portion of an act to locate and establish a territorial road, from the town of Dubuque to Camp Atkinson, approved, January 13, 1841, and providing for the relocation of said road.

No. 77, H. R. file, Memorial for an appropriation to improve the Cedar and Wapsipinicon river.

No. 75, H. R. file, Memorial to Congress for an appropriation to finish the Capital and Penitentiary.

No. 80, H. R. file, Joint resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes.

In which the concurrence of the Council is requested.

The House have also passed,

No. 21, C. F. Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Des Moines river.

No. 56, C. F. Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

No. 54, C. F. A bill to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county.

The House have also passed with an amendment,

No. 27, C. F. A bill to amend an act to provide for levying a tax on real and personal property for road purposes, approved, February 16th, 1842.

In which the concurrence of the Council is requested,

The House have also passed a substitute to

No. 26, C. F. A bill to authorize James Davis to keep a ferry across the Mississippi river.

In which the concurrence of the Council is requested.

The House have also passed,

No. 59, H. R. file, An act to provide for the punishment of offences against chastity, morality and decency.

No. 20, H. R. file, A bill to amend an act to establish a system of common schools, approved, January 16, 1844.

In which the concurrence of the Council is requested.

The House have also passed.

No. 51, C. F. A bill to amend an act entitled, "An act organizing a Board of County Commissioners in each county," approved Feb. 15, 1843.

No. 48, C. F. A bill to establish a territorial road in the counties of Van Buren and Davis.

The House have also passed with an amendment,

No. 58, C. F. A joint resolution to provide for the printing of the laws.

In which the concurrence of the Council is requested.

The House have refused to recede from the 1st and 3rd amendments made to

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

The House have passed

No. 79, H. R. Joint resolution providing for the care of public property at the Capitol.

In which the concurrence of the Council is requested.

The House have agreed to the amendment made by the Council to

No. 51, H. R. file, A joint resolution instructing our Delegate in Congress in regard to the boundaries of the future State of Iowa.

I herewith present for your signature,

An Act to establish a territorial road from the eastern line of Washington county, to the widow Fry's on Old Man's creek.

A Joint resolution authorizing the trustees of the Protestant Metho-

dist Church, to convey their Church half lot in Iowa City to the trustees of the Iowa City College.

Also a

Supplement to an act entitled "An act to incorporate the University of Iowa City," approved, 2nd day of June, 1845.

Which have severally been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the acts presented for his signature.

No. 75, H. R. file, Memorial to Congress for a appropriation to finish the Capitol and Penitentiary.

Was read a first and second time.

Ordered, That the Memorial be referred to the committee on Territorial Affairs.

No. 80, H. R. file, Joint Resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes;

On motion of Mr. Stephenson,

Ordered, That the resolution do lie upon the table.

No. 27, C. F. A bill to amend an act to provide for levying a tax on real and personal property for road purposes, approved, February 16th, 1842,

As amended by the House, was taken up,

And the amendments agreed to.

No. 26, C. F. A bill to authroize James Davis to keep a ferry opposite the town of Geneva, in the county of Muscatine,

And the substitute therefor, as reported from the House,

W read a first and second time.

On motion,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 59, H. R. file, A bill to provide for the punishment of offences against chastity, morality and decency,

Was read a first and second time.

The Council then resolved itself into a committee of the whole upon said bill.

After some time spent therein Mr. President resumed the chair and Mr. Abbe, reported,

That the committee had according to order, said bill under consideration, and directed him to report the same back to the Council with all the body of the bill stricken out.

The Council concurred in the report of the committee.

On motion of Mr. Brierly,

Ordered, That the enacting clause of said bill be laid upon the table.

No. 20, H. R. file, A bill to amend an act to establish a system of common schools, approved, January 16, 1844,

Was read a first and second time.

Ordered, That said bill be referred to the committee on Schools.

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company,

As amended by the Council,

Was taken up.

Ordered, That a committee of conference be appointed, on the part of the Council, to confer with a similar committee on the part of the House, relative to the disagreeing vote of the two Houses upon said bill.

Messrs. Brierly and Summers were appointed said committee.

No. 58, C. F. Joint Resolution to provide for the printing of the Laws,

As amended, was taken up.

And the question being put,

Will the Council concur in the amendments made by the House.

Which was decided in the affirmative.

Yeas 10—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Stephenson and Thompson.

Those who voted in the negative were—Messrs. Summers and Mr. President.

No. 79, H. R. file, Joint Resolution providing for the care of public property at the Capitol,

Was read a first and second time.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended and the joint resolution be read a third time now.

The joint resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 48, H. R. file, A bill to punish persons trespassing upon lands,
Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 62, C. F. Joint resolution relative to the distribution of the Laws,

Was taken up.

A motion was made by Mr. Hastings, (Mr. Leffler being in the chair officiating as President,)

That a substitute offered by him should be adopted in place of said resolution.

To which the Council agreed.

The joint resolution was then read a first time,

And laid on the table until this afternoon.

On motion of Mr. Coop,

Ordered, That the resolution providing for the indexing and distribution of the Journal be adopted.

No. 60 C. F. A bill to authorize Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, to convey certain Lands,

Was read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 61, H. R. file, A bill to organize the county of Marion,

Was read a first and second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 78, H. R. file, A bill to repeal an act repealing a portion of an act to locate and establish a territorial road from the town of Dubuque to Camp Atkinson, approved, January 13, 1841, and providing for the relocation of said road,

Was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That said bill be referred to the committee on roads.

No. 77, H. R. file, Memorial for an appropriation to improve the Cedar and Wabesipinicon rivers,

Was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said memorial be referred to the committee on Territorial Affairs.

Mr. Shelby from the committee on Enrollments, reported as correctly enrolled,

Memorial to Congress for the purpose of obtaining a grant of Land for the improvement of the Des Moines river.

An act to establish a territorial road in the counties of Van Buren and Davis.

Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi river.

An act to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county.

And then the Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Summers,

The Council resolved itself into an executive session,

After some time spent therein, the executive session rose and the Council resumed its regular session.

No. 62, C. F. Joint resolution relative to the distribution of the laws,

Was taken up,

And read a second time.

A motion was made by Mr. Abbe,

That the name of "F. M. Irish" be stricken out and the name of "S. J. Burr," be inserted,

Which passed in the negative.

Yeas 4—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain and Brierly.

Those who voted in the negative were—Messrs. Coop, Hempstead, Leffler, Shelby, Stephenson, Summers, Thompson and Mr. President.

On motion of Mr. Bradley,

The joint resolution was so amended as to allow one hundred and twenty-five copies of the laws to Jackson county, and twenty-five each to the counties of Buchanan and Fayette.

On motion of Mr. Hempstead,

Ordered, That the following amendment be adopted:

“Conditioned that said laws shall be delivered as aforesaid within thirty days from the time the same are ready for delivery, by the said Williams and Palmer.

A motion was made by Mr. Shelby,

That the words “three hundred” be stricken out and “two hundred and fifty” inserted,

The motion was lost.

A motion was made by Mr. Shelby,

That the words “two hundred” be stricken out, and the words “one hundred and fifty” be inserted,

Which passed in the affirmative.

Yeas 9—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Shelby, Stephenson and Thompson.

Those who voted in the negative were—Messrs. Leffler and Summers.

On motion of Mr. Leffler,

Ordered, That the 13th rule be suspended, and the resolution be read a third time now.

The resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Bradley from the committee on Territorial Affairs, to which was referred,

No. 77, H. R. file, Memorial for an appropriation to improve the Cedar and Wabesipinicon rivers,

Reported the same back to the Council with amendments,

Which was read a second time.

On motion of Mr. Bradley,

The 13th rule was suspended, and the memorial read a third time,
Passed and its title was amended and agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President:—

I am directed to inform the Council that the House have passed,
No. 84, H. R. file, A bill to attach the country ceded to the United States by the Sac and Fox Indians in 1842, to the adjacent counties;
No. 83, H. R. file, A bill to organize the county of Kishkekosh, and to provide for the location of the seat of justice thereof;

No. 82, H. R. file, Joint resolution supplementary to a joint resolution adopted by the Council and House of Representatives, for the appointment of a committee to examine into the affairs of the Penitentiary;

No. 70, H. R. file, A bill to amend an act entitled, "An act to regulate the institution of suits by foreign executors, administrators and guardians," approved Dec. 20th, 1839;

No. 81, H. R. file, Joint resolution instructing our Delegate, to use his influence for an appropriation to repair the bridge on Devil creek, in Lee county;

In which the concurrence of the Council is requested.

The House have also passed,

No. 55, C. F. A bill to provide for the payment of the debt due to the Miners' Bank of Du Buque,

The House have also passed with amendments,

No. 24, C. F. Joint resolution providing for the adjournment of the Legislative Assembly;

In which the concurrence of the Council is requested.

The House have also passed,

No. 41, C. F. A bill to divorce Amelia Scanlan from her husband Thomas Scanlan.

I herewith present for your signature

An act to relocate the seat of justice of Lee county.

The same having been signed by the Speaker of the House of Representatives.

Mr. Coop from the committee on Roads to which was referred,

No. 78, H. R. file, A bill to repeal an act repealing a portion of an act to locate and establish a territorial road from the town of Dubuque

to Camp Atkinson, approved, January 13th, 1841, and providing for the relocation of said road,

Reported the same back to the Council with amendments.

To which the Council agreed.

The bill was then read a second time.

On motion of Mr. Hempstead,

The 13th Rule was suspended and the bill read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Shelby from the committee on Enrollments,

Reported that he did on the 9th day of June, present to the Governor for his approval and signature,

An act to establish a territorial road from the western line of Washington county to the Widow Fry's on Old Mans Creek.

A joint resolution to authorize the trustees of the Protestant Methodist Church to convey their half lot in Iowa City, to the trustees of the Iowa City College.

Mr. Shelby from the committee on the Judiciary to which was referred,

No. 61, H. R. file, A bill to organize the county of Marion,

Reported the same back to the Council with amendments.

To which the Council agreed.

On motion of Mr. Coop,

The 13th rule was suspended and the bill was read a third time.

A motion was made by Mr. Hempstead,

That "Marion" be stricken out and the word "Polk" inserted.

Which passed in the negative.

Yeas 4—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Hempstead, Summers and Mr. President.

Those who voted in the negative were—Messrs. Bradley, Brattain, Brierly, Coop, Leffler, Shelby, Stephenson and Thompson.

The bill was then passed.

And its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 84, H. R. file, A bill to attach the country ceded to the United States by the Sac and Fox Indians in 1842, to the adjacent counties,

Was read a first time.

On motion of Mr. Hempstead,

The 13th rule was suspended and the bill read a second and third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 83, H. R. file, A bill to organize the county of Kishkekosh and to provide for the location of the seat of justice thereof,

Was read a first time.

On motion of Mr. Coop,

The 13th rule was suspended, and the bill was read a second and third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 82, H. R. file, Joint resolution supplementary to a joint resolution adopted by the Council and House of Representatives, for the appointment of a committee to examine into the affairs of the Penitentiary,

Was read a first time.

No. 70, H. R. file, A bill to amend an act entitled, "An act to regulate the institution of suits by foreign executors, administrators and guardians," approved Dec. 20, 1839,

Was read a first and second time.

Ordered, That said bill be referred to the committee on the Judiciary.

No. 81, H. R. file, Joint resolution instructing our Delegate in Congress, to use his influence for an appropriation to repair the bridge on Devil creek, in Lee county,

Was read a first time.

On motion of Mr. Brierly,

The 13th rule was suspended and the resolution read a second and third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 24, C. F. Joint resolution providing for the adjournment of the Legislative Assembly,

As amended by the House,

Was taken from the table,

And the amendments concurred in.

And then the Council adjourned until 9 o'clock to-morrow morning.

TUESDAY MORNING, JUNE 10, 1845.

Mr. Summers from the committee on Schools to which was referred No. 20, H. R. file, A bill to amend an act to establish a system of common schools, approved, January, 16, 1844,

Reported that the committee had had the same under consideration, and had come to the conclusion that it is inexpedient to make any change in the school law, until we change from a Territorial to a State government.

The committee therefore, ask to be discharged from any further consideration of the bill.

Ordered, That the report of the committee be concurred in.

Mr. Coop from the committee on roads to which was referred the petition of citizens of the counties of Wapello and Mahaska, praying the location of a road from Dahlenega in Wapello county to Oskaloosa in Mahaska county;

Also,

The remonstrance of citizens of the said counties against the establishment of said road,

Reported, that the committee have examined said petition and remonstrance, and find 282 signatures to the remonstrance and 87 signatures to the said petition.

Therefore, the committee are of the opinion that that the prayer of the petitioners should not be granted; that due regard should be paid to the majority in such cases; and further, the committee believe it would be inexpedient to have any further action on the subject at the present session.

Your committee therefore, ask to be discharged from the further consideration of the subject.

The Council then concurred in the report made by the committee.

Mr. Hempstead from the committee on the Judiciary to which was referred,

No. 70, H. R. file, A bill to amend an act entitled "An act to regulate the institution of suits by foreign executors, administrators and guardians, approved, December 21, 1841,

Reported the same back to the Council without amendment.

To which the Council agreed.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 82, H. R. file, Joint resolution supplementary to a joint resolution adopted by the Council and House of Representatives for the appointment of a committee to examine into the affairs of the Penitentiary,

Was read a second time,

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Shelby from the committee on Enrollments,

Reported that the committee had examined and found correctly enrolled,

An act to provide for the payment of the debt due to the Miners' Bank of Dubuque;

Joint resolution providing for the adjournment of the Legislative Assembly.

An act to amend an act entitled, "An act organizing a Board of County Commissioners in each county," approved Feb. 15, 1843.

Joint resolution providing for the publication of the laws.

An act to divorce Amelia Scanlan from her husband Thomas Scanlan.

An act to amend an act to provide for levying a tax on real and personal property for road purposes, approved, February 16th, 1842.

A message from the House of Representatives, by Mr. Thompson their Chief Clerk.

Mr. President—

I am directed to inform the Council, that the House have passed

No. 85, H. R. file, Joint resolution providing for a relocation of a certain road.

In which the concurrence of the Council is requested.

The House have disagreed to the amendments made by the Council to

No. 65, H. R. file, A bill to authorize Duncan McGregor to keep a ferry across the Mississippi river in the county of Clayton.

I herewith present for your signature,

An act to incorporate and establish the city of Burlington, and for revising and repealing all laws and parts of laws heretofore made on that subject.

An act to establish a territorial road in the counties of Van Buren and Davis.

An act to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county.

An act for the relief of William B. Snyder.

An Act to provide for the election of an additional justice of the peace in the township of Madison in the county of Lee.

An Act to establish a territorial road from Bloomington to the county line of Scott county, near the present road leading to Davenport.

Joint resolution providing for an examination into the affairs of the Penitentiary.

Memorial to Congress for the purpose of obtaining a grant of Land for the improvement of the Des Moines river.

Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi river.

All of which have severally been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the acts presented for his signature.

No. 85, H. R. file, Joint resolution providing for a relocation of a certain road,

Was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said resolution be referred to the committee on roads.

No. 65, H. R. file, A bill to authorize Duncan McGregor to keep a ferry across the Mississippi river, in the county of Clayton.

To the Council amendment, of which the House disagreed,

Was taken up.

A motion was made by Mr. Hempstead,

That the Council adhere to the amendment made.

Which passed in the affirmative.

Yeas 10—Nays 1.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Summers and Thompson.

Mr. President voting in the negative.

Ordered, That a committee of conference be appointed on the part of the Council to confer with a similar committee on the part of the House relative to the disagreeing vote of the two Houses upon said bill.

Messrs. Brierly and Coop were appointed said committee.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

The House have passed,

No. 87, H. R. file, Joint resolution providing for the appointment of a Fiscal Agent.

In which the concurrence of the Council is requested.

And then he withdrew.

The said joint resolution was then read a first and second time.

On motion of Mr. Abbe,

Ordered, That the 13th rule be suspended, and that the resolution be read a third time now,

The resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Hastings (Mr. Leffler being in the chair officiating as President,) on leave introduced,

No. 64, C. F. Joint resolution providing for the publication of the laws in the newspapers.

Which was read a first and second time.

A motion was made by Mr. Hastings,

That the 13th rule be suspended, and the joint resolution be read a third time now.

Which passed in the negative.

Yeas 4—Nays 8.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Brattain, Leffler, Summers and Mr. President.

Those who voted in the negative were—Messrs. Abbe, Bradley, Brierly, Coop, Hempstead, Shelby, Stephenson and Thompson.

A motion was made by Mr. Hempstead,
That the Council adjourn until 2 o'clock, P. M.

The motion was lost.

Mr. Hastings on leave introduced

No. 65, C. F. Joint resolution to postpone the next annual meeting of the Legislative Assembly, until the first Monday of May next.

Which was read a first time.

A motion was made by Mr. Abbe,
That the joint resolution be rejected.

Which passed in the affirmative.

Yeas 10—Nays 2.

The yeas and nays being demanded,

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Stephenson, Summers, and Thompson.

Those who voted in the negative were—Mr. Shelby and Mr. President.

So the resolution was rejected.

And then the Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

A message from the House of Representatives, by Mr. Thompson, their Chief Clerk.

Mr. President:—

I herewith present for your signature,

A Joint Resolution to provide for the printing of the Laws,
Joint resolution providing for the adjournment of the Legislative Assembly;

An act to amend an act entitled, "An act organizing a Board of County Commissioners in each county," approved Feb. 15, 1843;

An act to provide for the payment of the debt due to the Miners' Bank of Dubuque,

An act to divorce Amelia Scanlan from her husband Thomas Scanlan;

An act to amend an act to provide for levying a tax on real and personal property for road purposes, approved, February 16th, 1842,

An act for the organization of the county of Iowa.

An act amendatory of an act to provide for changing the venue in civil and criminal cases, approved Feb. 13, 1843.

An act to amend an act entitled, "An act concerning bail," approved Jan. 25th, 1839;

An act to legalize the location of a territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mill, in Delaware county;

Joint resolution to authorize the Clerk of the Supreme Court to use a certain room in the Capitol, for the purpose of a Clerks office;

Joint resolution instructing our Delegate in Congress, in regard to the boundaries of the future State of Iowa,

Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey river in the county of Clayton.

Joint resolution instructing the Secretary to pay the widow of the late James Leonard, the full amount of his per diem, for this entire session;

An act to organize the county of Marion;

An act to prevent and punish the owners and masters of Steamboats committing trespass upon the property of persons living in this Territory and for other purposes,

An act to amend an act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors and Probate Courts, and for defining their duties, approved, February 13th, 1843,

Joint resolution providing for the appointment of a Fiscal Agent.

All of which have severally been signed by the Speaker of the House of Representatives.

The House have appointed Messrs. Wilson and Banks a committee of conference on the disagreement of the two Houses, on the amendments made by the Council to

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

The House have passed

No. 60, C. F. A bill to authorize Henry Swan, administrator of the estate of David Duke, late of the County of Henry, deceased, to convey certain lands;

No. 63, C. F. A bill to prevent and punish the obstructions of public roads and highways."

And then he withdrew.

The President then signed the several acts and joint resolutions as above reported.

Mr. Abbe presented the claim of Powell & Jones.

Ordered, That said claim be referred to the committee on Expenditures.

Mr. Coop from the committee on Roads, to which was referred, No. 85, H. R. file, Joint resolution providing for the relocation of a certain road,

Reported the same back to the Council and recommended its indefinite postponement,

To which the Council agreed.

A message from his Excellency the Governor, was announced and read as follows:

EXECUTIVE DEPARTMENT,
June 7th, 1845. }

I return to the Council, in which it originated, an act entitled "An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee," with my objections to it,

This act, if carried into effect, will change the general laws of land in relation to the title and evidence of title of the Half Breed Indians therein mentioned, and those claiming under them, and will exclude them from severally maintaining actions for the recovery of their undivided interests in the land in question.

The laws of every country affecting the rights of individuals, should be equal and uniform, and I am not able to discover any reason for making the rights, whatsoever they may be, of the claimants of the Half Breed lands, an exception to this rule, and am therefore constrained to withhold my official approval of this act.

JOHN CHAMBERS.

On motion of Mr. Brierly,

The Council then proceeded to pass the bill again by the constitutional majority,

Which passed in the affirmative.

Yeas 12—Nays 0.

The yeas and nays being demanded by the provisions of the Organic law.

Those who voted in the affirmative were—Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Hempstead, Leffler, Shelby, Stephenson, Summers, Thompson and Mr. President.

So the bill passed by the constitutional majority.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

I am directed to inform the Council that the House have passed with amendments,

No. 62, C. F. Joint Resolution relative to the distribution of the Laws.

In which the concurrence of the Council is requested.

And then he withdrew.

No. 62, C. F.

Was taken up,

And the amendments of the House were concurred in.

Mr. Shelby from the joint committee on Enrollments, reported,

That the committee did on the 10th inst. present to the Governor for his approval and signature,

Memorial to Congress for the purpose of obtaining a grant of land for the improvement of the Des Moines river.

An act to relocate a part of a territorial road leading from Rockingham in Scott county, to Moscow in Muscatine county.

An act to provide for the election of an additional Justice of the Peace in Madison township, in the county of Lee.

Joint resolution providing for an examination into the affairs of the Penitentiary;

An act for the relief of Wm. B. Snyder;

A Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

An act to establish a territorial road in the counties of Van Buren and Davis;

An act to establish a territorial road from Bloomington to the county line of Scott county, near the present road leading to Davenport.

On motion of Mr. Hempstead,

No. 80, H. R. file, Joint Resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes;

Was taken from the table.

On motion of Mr. Abbe,

Ordered, That the 13th rule be suspended and the joint resolution be read a third time now.

The joint resolution was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

And then the Council adjourned until 4 o'clock P. M.

FOUR O'CLOCK P. M.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

I am directed to inform the Council that the House have passed No. 86, H. R. file, A bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes.

In which the concurrence of the Council is requested.

The House have passed by a constitutional majority, being two thirds, notwithstanding the objections of the Governor,

An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee.

And then he withdrew.

No. 86, H. R. file, A bill to provide for the compensation of members and officers of both Houses of the present session and for other purposes,

Was read a first and second time.

Ordered, That said bill be referred to the committee on Expenditures.

And then the Council adjourned until to-morrow morning at 8 o'clock.

WEDNESDAY MORNING, JUNE 11TH, 1845.

Mr. Hempstead from the committee on Expenditures to which was referred

No. 86, H. R. file, A bill to provide for the compensation of members and officers of both Houses of the present session and for other purposes,

Reported the same back to the Council with amendments.

To which the Council agreed.

The bill was then read a second time.

On motion,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Shelby from the committee on Enrollments, reported that he had examined and found correctly enrolled,

An act to prevent and punish the obstruction of public roads and highways.

An act to authorize Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, to convey certain lands.

Joint resolution relative to the distribution of the Laws.

Mr. Shelby on leave introduced

No. 66, C. F. A bill for the relief of Henry Heffleman, former sheriff of Van Buren county.

Which was read a first and second time.

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Summers made a report, which

On motion of Mr. Hempstead,

Was indefinitely postponed.

A message from the House of Representatives by Mr. Thompson their chief Clerk.

Mr. President—

I am directed to inform the Council that the House have passed No. 88, Joint resolution instructing the Secretary of the Council and Clerk of the House.

In which the concurrence of the Council is requested.

The House have agreed to all the amendments made in the Council to

No. 86, A bill to provide for the compensation of members and officers of both Houses of the present session and for other purposes,

Except two, which are as follows:

In section 16, strike out the word "fifteen" and insert "twenty."

To Jones & Powell for 40 yards of Canton matting, as per bill rendered, fifteen dollars.

I herewith present for your signature,

An act to authorize the board of commissioners of Muscatine county to license certain ferries across the Mississippi river.

An act to prevent and punish the obstruction of public roads and highways.

An act to authorize Henry Swan, administrator of David Duke, late of the county of Henry, deceased, to convey certain lands.

Joint resolution relative to the distribution of the Laws.

Joint resolution supplementary to a joint resolution adopted by the Council and House of Representatives for the appointment of a committee to examine into the affairs of the Penitentiary.

An act to repeal an act repealing a portion of an act to locate and establish a territorial road, from the town of Dubuque to Camp Atkinson, approved, January 13, 1841, and providing for the relocation of said road.

An act to amend an act entitled "An act to regulate the institution of suits by foreign executors, administrators and guardians, approved, December 20, 1839.

Memorial for an appropriation to improve the Cedar, Maquokata and Wapsipinicon rivers.

An act to attach the country ceded to the United States by the Sac and Fox Indians in 1842, to the adjacent counties.

An act to punish persons trespassing upon lands.

Joint Resolution providing for the care of public property at the Capitol.

Joint resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes.

And then he withdrew.

The President then signed said acts.

On motion,

The Council adjourned until 11 o'clock, A. M.

ELEVEN O'CLOCK, A. M.

The Council met pursuant to adjournment.

A message from the House of Representatives by Mr. Thompson their chief Clerk.

Mr. President—

The House have passed with amendments,

No. 65. C. F. A bill for the relief of Henry Heffleman, former Sheriff of Van Buren county.

The House have disagreed to the report of the committee of conference on

No. 38, C. F. A bill to incorporate the Bloomington and Iowa City Railroad Company.

And then he withdrew.

On motion,

Ordered, That the Council concur in the amendments of the House to

No. 65, C. F. A bill for the relief of Henry Heffleman, former sheriff of Van Buren county.

Mr. Shelby from the committee on Enrollments, reported,

That the committee had examined and found correctly enrolled,

An act for the relief of Henry Heffleman, (former Sheriff of Van Buren county,) and others.

On motion of Mr. Hempstead,

Ordered, That the amendments of the Council to the 16th section of No. 86, H. R. file, A bill to provide for the compensation of the members and officers of the present session, and for other purposes,

Be amended by striking out the amendment made by the Council and inserting three hundred dollars to J. F. Kinney, Secretary of the Council, for superintending the publication, indexing and distributing the present Journal of the Council.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

The House have amended the amendment of the Council to the 16th section of

No. 86, H. R. file, A bill to provide for the compensation of members and officers of the present session and for other purposes,

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act to organize the county of Kishkekosh and to provide for the location of the seat of justice thereof;

Also,

Joint resolution instructing the Secretary of the Council and Clerk of the House.

And then he withdrew.

The President then signed the above mentioned acts and joint resolution.

On motion,

Ordered, That a committee of conference be appointed on the disagreeing vote of the two Houses on

No. 86, H. R. file, A bill to provide for the compensation of members and officers of the present session and for other purposes.

Messrs. Brierly and Hempstead were appointed said committee.

Mr. Brierly from the committee of conference on the disagreeing vote of the two Houses on

No. 86, H. R. file, reported,

That the committee had agreed to the amendment made by the House to said bill.

Whereupon the committee were discharged and the report adopted.

Mr. Shelby from the joint committee on Enrollments, reported,

That he had presented to the Governor for his signature,

An act for the relief of Henry Heffleman, (former Sheriff of Van Buren county,) and others.

The resolution offered by Mr. Shelby relative to the time the present members of the Council hold their seats,

Was taken from the table,

And indefinitely postponed.

No. 86, H. R. file,

Was then read a second time.

On motion,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

The bill was then read a third time,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Joint resolution instructing the Secretary of the Council and Clerk of the House,

Was taken up,

Passed and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk.

Mr. President—

I herewith present for your signature,

An act to provide for the compensation of members and officers of the present session and for other purposes.

And then he withdrew.

The President then signed the above entitled act.

A message from the Governor by Mr. Reno, his private Secretary.

Was announced;

Which being on Executive business, the Council resolved itself into an executive session.

After some time spent therein the executive session arose and the Council resumed its regular session.

Messrs. Wilson and Hancock, a committee from the House,

Being announced,

Informed the Council that the House had no further business before them, and were now ready to adjourn *sine die*.

On motion of Mr. Summers,

Ordered, That a committee be appointed to wait upon the House, and inform that body that the Council have no further business before them, and are now ready to adjourn *sine die*.

Messrs. Summers and Coop were appointed said committee.

On motion of Mr. Leffler,

Ordered, That a committee be appointed in conjunction with a similar committee on the part of the House, with instructions to wait upon his Excellency the Governor, and inform him that the two Houses of the Legislative Assembly have no further business before them, and that if his Excellency has no further communications to make, both branches of the Legislature stand ready to adjourn *sine die*.

Messrs. Leffler and Hempstead were appointed said committee.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Thompson, their Chief Clerk

Mr. President—

I am directed to inform the Council that the House have appointed Messrs. Johnson and Anderson a committee to act with a similar committee appointed by the Council to wait upon his Excellency the Governor, and inform him that both Houses are now ready to adjourn, and ascertain whether he has any further communications to make to them.

And then he withdrew.

Mr. Leffler from the joint committee appointed to wait upon his Excellency the Governor, and inform him that the two Houses are now ready to adjourn *sine die*., reported,

That they had performed that duty and that the Governor had no further communications to make to either branch of the Legislative Assembly.

On motion of Mr. Summers,

Unanimously ordered, That the thanks of the Council be tendered to the President for the able, impartial and satisfactory manner in which he has presided over the deliberations of this body.

On motion of Mr. Coop,

Ordered, That the Council do now adjourn *sine die*.

The President then arose and addressed the Council as follows:

GENTLEMEN:—

I take pleasure in returning you my grateful thanks for the kind reception with which my humble efforts to discharge the duties of the Chair, have met at your hands. I assure you it is a happy thought, that, in parting with you, I am permitted to bear with me the consciousness that, however many errors I may have committed in the discharge

of my duties, your generosity has prompted you to award me an expression of confidence which I highly esteem, and shall never forget.

Gentlemen; permit me to congratulate you upon the prospect of your speedy reunion with your families and friends, and to express a hope that the unalloyed joy with which you shall be greeted by your wives and children shall only be equalled by the continued esteem and confidence of your constituents.

RULES OF THE COUNCIL

ORDER OF DAILY WORK

STANDING RULES

of my duties, your generosity has prompted you to award me an ex-
pression of confidence which I highly esteem, and shall never forget.
The sentiment you have so graciously expressed in the prospect of your
speedy return with your father and friends, and to express a hope
that the unalloyed joy which you will be greeted by your wives
and children shall only be equalled by the continued esteem and con-
fidence of your countrymen.

My sincere wishes are for your success in all your undertakings, and I am
assured that you will not fail to achieve them.

I am, Sir, very respectfully,
Your obedient servant,
J. M. Smith

I have the honor to acknowledge the receipt of your letter of the 10th inst.
and in reply to inform you that the same has been forwarded to the
proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
J. M. Smith

I have the honor to acknowledge the receipt of your letter of the 10th inst.
and in reply to inform you that the same has been forwarded to the
proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
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proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
J. M. Smith

APPENDIX.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After the Journal is read, the following order shall govern :

- 1st—Petitions or memorials to be offered.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Communications on the President's table.
- 5th—Reports in possession of the Council, which offer grounds for a bill.
- 6th—Bills or other matters before the Council and unfinished the preceding day.
- 7th—The above business being dispatched, the general file of bills and other papers will be then taken up agreeably to their first introduction to the Council.

STANDING RULES.

1. The Council shall choose, by ballot, one of their own number to occupy the Chair. He shall be styled President, and shall hold his office during the session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned, and call the members to order ; and, if a quorum be present, he shall direct

the journal of the preceeding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President the Council may appoint a President *pro tem.* to occupy the chair during such absence.

2. Any member may have a call of the Council and absent members sent for. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion) shall be put in this form: "You who are of opinion (as the case may be) say Aye; those of the contrary opinion say No;" and, in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make any motion (except to adjourn, postpone, or commit,) he shall reduce the same to writing upon the request of the President or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and the President shall address the member entitled to the floor by name; and, when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and, until decided, shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Council Chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When the bill or resolution is engrossed, the President shall, at the time previously appointed by the Council, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole; and, if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Council is equally divided on a question, the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

22. All acts, addresses, and resolutions shall be signed by the President, and all writs, warrants, and subpoenas issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

23. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

24. Before a bill shall have passed the Council, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors that may be discovered in the engrossed bill, shall make their report forthwith to the Council.

25. A Secretary and Assisting Secretary, shall be appointed, to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal, record, accounts, or papers be taken from the table or out of his custody, other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President.

26. A Sergeant-at-arms, Messenger, and Fireman shall be appointed, to hold their offices during the pleasure of the Council. It shall be their duty to attend the Council during its sittings, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

27. When a message shall be sent from the Governor to the Council, it shall be communicated to the Chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned unless the Council unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of the members and officers to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Council when in Executive session.

31. Before acting on confidential or Executive business, the Council shall be cleared, by direction of the President, of all persons excepting the Secretary and Sergeant-at-Arms.

32. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive journal shall be published but by special order.

33. No member or officer shall read the newspapers within the bar of the Council while in session.

34. The President is authorized and required to administer all oaths prescribed by these rules.

35. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Council; and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

36. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of three-fourths of the members present.

37. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

38. When a member shall be called to order he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Council may be better enabled to judge of the matter.

39. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

40. The following officers and persons present at any time during

the sitting of the Council, shall be entitled to a seat within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Council, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

41. The rules of Parliamentary Practice comprised in Jefferson's Manuel, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and Joint Rules of the Council and House of Representatives.

STANDING COMMITTEES.

On the Judiciary—Messrs. Hempstead, Leffler and Shelby.

On Finance—Messrs. Bradley, Brierly and Coop.

On Internal Improvements—Messrs. Briely, Abbe and Ross.

On Schools—Messrs. Summers, Hempstead and Stephenson.

On Military Affairs—Messrs. Shelby, Coop and Bradley.

On Roads—Messrs. Coop, Thompson and Abbe.

On Public Buildings—Messrs. Abbe, Brattain and Summers.

On Territorial Affairs—Messrs. Leffler, Thompson and Bradley.

On Elections—Messrs. Ross, Abbe and Shelby.

On Engrossed Bills—Messrs. Brattain, Brierly and Summers.

On County Boundaries—Messrs. Thompson, Brattain and Coop.

On Claims—Messrs. Stephenson, Abbe and Bradley.

On Agriculture—Messrs. Leffler, Thompson and Stephenson.

On Enrolled Bills—Messrs. Summers, Shelby and Ross;

On Expenditures—Messrs. Brierly, Hempstead and Ross.

On Incorporations—Messrs. Hempstead, Leffler and Stephenson.

JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other,

verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions, and votes which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

10. When a bill or resolution, which shall have passed in one house, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House,

is rejected in the other, it is not to be brought in during the same session, without notice of five days and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both House.

REPORT

OF THE TERRITORIAL AGENT.

OFFICE OF TERRITORIAL AGENT,
Iowa City, May 5, 1845. }

To the Honorable,

The Council and House of Representatives:

In conformity to the requisitions of law, I herewith submit my report as Territorial Agent.

Since the last report of the late Territorial Agent, (of Dec. 1, 1843,) the receipts of the office appear to be \$4,572 43

Disbursements since same period, 4,099 55

Excess of receipts over disbursements, \$472 88

Amount of unsold lots on the 1st Dec. 1843, and lots forfeited since that period, \$29,016 66

Sales of lots since Dec. 1, 1843,	1,406 66
Amount of unsold lots,	\$27,610 00
Notes remaining in the office,	\$2,354 20
Total amount of unsold lots and notes,	\$29,964 20

In obedience to law, I have made a settlement with the late Territorial Agent, John M. Colman, and the following is the result:

Notes received by him of Jesse Williams,	\$13,013 87
Amount of sales of lots,	26,934 00
“ of scrip issued in 1842,	3,300 00
“ of certificates and notes issued and outstanding,	2,172 50
Incidental receipts including interest &c.,	1,397 00
	\$46,817 37

Notes remaining in the office,	\$2,354 20
Notes and certificates surrendered on forfeited lots,	2,950 65
Vouchers filed in the office and miscellaneous credits allowed on settlement,	32,038 61
Scrip of the issue of 1841 cancelled,	4,451 71
Scrip of the issue of 1842 “	3,193 00
Salary account,	2,037 50
	\$47,025 67
Balance due John M. Colman,	208 30

The outstanding debts against this office may be estimated at something over eight thousand dollars, and without some provision for their payment other than the sale of lots or collections, they must necessarily remain unpaid for a considerable length of time, and some of the creditors consequently suffer considerable inconvenience.

It will be perceived by the amount of sales since December 1st 1843, that the demand for lots is very limited. One cause of this is, the most desirable lots have been sold, and those who have previously purchased for labor and materials upon the Capitol, are now enabled to offer greater inducement to purchasers than can be offered by the Territory, especially in regard to the location of property.

The notes now in the office, being payable in labor and materials, (with a very small exception) no reliance can be placed upon means from this source, to meet the demands against this office; neither can

any thing more of consequence be done upon the Capitol, with the limited means at my disposal.

I would respectfully recommend that some provision be made for the relief of Mr. William B. Snyder, whose property in Cincinnati is held and, (as I am informed) about to be sold for the payment of a debt contracted for shingles for the Capitol, through his agency, while acting as Superintendent of Public Buildings.

All of which is respectfully submitted.

ANSON HART, Ter. Ag't.

REPORT

OF THE WARDEN OF THE IOWA PENITENTIARY.

To the Honorable, the Council

and House of Representatives of the Territory of Iowa:

The undersigned, Warden of the Penitentiary, would respectfully report: That in the spring of 1843, he was induced, as well to preserve the work already commenced as to secure the permanent economy of the prison, to carry up the walls of the main building throughout its whole extent, and roof over, so as to complete a workshop where all the prisoners might be safely and profitably worked, and thereby obviate the general evils attendant upon out door labor, as well as to silence the incessant clamor already raised against the prisoners being brought in competition with the common or every day laborer.

This would make the main building two hundred feet long by 44 in width, thirteen above the water table, or fifteen in all above ground—of which forty-four of the west end would be occupied as a keepers house; fifty-six of the middle, by the cells, blacksmiths shop, shoemakers shop and kitchen; leaving one hundred feet of the east end for a coopers shop. All of which was completed by the 1st of December, 1843, and met the approval of the Governor and sanction of the Legislative Assembly of that year.

With this spacious shop and nine men already at my disposal—with every reasonable prospect of an increase, I was justified in the belief

that with proper tools, proper material, and proper energy and care, I should be able to bring the expenditures within the earnings of the prison, and thus relieve the Territory from a burdensome debt heretofore arising from this source.

In this however, I have been disappointed, and have to report an actual loss between December 1st, 1843, and May 1st, 1845, a period of seventeen months, of six hundred and eighty-dollars and forty-nine cents. Various causes have contributed to bring about this deficiency, which I could not well foresee or provide against; all of which will appear in the more detailed account of my proceedings.

In order to place the shops in a condition to meet my anticipations and secure the experiment beyond the reach of failure, I took the necessary measures to supply all with an abundance of well selected tools, and also, an abundance of well selected material, and I now have the satisfaction to know that all was provided which the prospect of success could suggest or the exigencies of the case demand.

The result is as follows: After deducting Sundays, there are 3745 days, of which 268 have been lost by sickness and casualty—leaving 3477; of which 516 have been devoted to the cooking, washing and other duties attendant upon the kitchen department—leaving 2961 to actual or productive labor. Of this, 94 days were employed in shoemaking and shoemending—yeilding a profit of 52 dollars and 87 cents, or a fraction over 56 cents per day. Of the remaining 2867, 1515 were expended in the coopers shop—which with all the care and attention we could bestow, alone produced in value of articles sold and unsold 478 dollars and 49 cents, or a fraction over 31 cents per day.—This low product is attributable in a great measure to two causes. The first of which is inexperience of most of the men in this kind of labor, or any other mechanical pursuit; and secondly, to the great falling off in demand for coopers work in the last year, and low prices consequent upon competition in sales. These however, were temporary in their nature, and even with this formidable balance against me, I should not have abandoned the experiment in its infancy, but from my inability longer to procure the proper materials, or supply the daily wants of the prison with the means at my disposal.

Having commenced in the first instance largely in debt, and without any available resource at my command other than the issue of script, which I was compelled to do or make sale of that already on hand, which was never effected but at a loss, either to myself or the territory of at least 30 cents to the dollar; which was deemed too ruinous to be borne,

and was therefore abandoned, and resort had to such employment as would afford without issue or loss an actual profit, and meet immediate demands. And of the remaining 1352 days, 1161 were employed in chopping wood and getting timber—yeilding an actual income of 580 dollars and 50 cents, or 50 cents per day. Of the remainder, 87 days were employed in casual labor, (digging cellars, &c.,) yeilding 42 dollars and 47 cents, or 48½ cents per day; 61 days in making laths and shingles, producing 33 dollars and 50 cents; 43 days in improvements, calculated at 50 cents per day, amounting to 20 dollars and 50 cents.—All of which make up the 2961 working days, originally to be employed, and producing in the aggregate 1209 dollars and 33 cents. To which add 31 dollars and 27 cents received for rents, &c., together with a bill of materials, tools, provisions, clothing, &c., &c., now remaining on hand and subject to the credit of the prison for the current year, 580 dollars and 49 cents as by recapitulation will be shown, as follows:

Rents,		31 27
Improvements on Penitentiary building, 43 days,		21 50
Making shingles and laths,	61 “	33 50
Shoemaking and mending,	94 “	52 87
Casual labor,	87 “	42 47
Cooperage,	1515 “	478 49
Chopping wood and getting timber,	1161 “	580 50
Bill of property on hand,		580 89
		<hr/>
		\$1821 49

While the expenditures have amounted during the same period to 2509 dollars and 90 cents, as follows:

Wardens pay,	708 30
Gaurds “	491 65
Boarding guards,	211 44
Provisions, salt, soap and candles,	538 59
Clothing, including bedding,	141 62
Materials purchased,	141 80
Wood,	37 50
Tools and implements,	851 12
Ammunition,	4 62
Printing and advertising,	6 00
Medical attendance and medicine,	3 34

Rewards,	100 00
Shot gun,	40 00
	<hr/>
	\$2509 98
From which deduct,	1821 49
	<hr/>
Leaving an actual deficiency of	\$688 49

In addition to the causes already enumerated, as producing this balance against us, may be added an important one, a considerable reduction in the number of convicts. Instead of an increase, as was expected, not a conviction has been had within a year, and the number is now reduced from nine to six.

While it is pleasing to have this evidence of the good morals of our citizens, it is nevertheless a cause which should be enumerated, as operating largely against the profits of the prison. All incidental expenses are the same, whether the number of convicts be more or less.—The same Wardens—pay the same now—the same time employed in cooking—the same candles, amunitions, repairs, &c., have to be encountered, as well with six, as with thirty. It will be seen that the average loss of time by sickness, for the seventeen months commencing December 1, 1843, and ending May 1, 1845, is twenty days to each individual, or less than one half day per week, which calculated at 25 cents, and added to 87 cents, (the entire average expense of boarding, clothing and lodgding each convict per week) will give a loss and expense of one dollar and twelve cents, which deduct from three dollars per week, the general price obtained, and we have a clear profit on each additional mans labor of one dollar and 87 cents per week. It will then appear that had the number remained good, although the deficiency would not have been fully met, it would have been naturally reduced, and furnishes the probable conclusion, that should there be any considerable increase in the number of convicts, the prison will be able to support itself. This, however, I am compelled to say cannot be the case the coming year, and should there be no change in the present system, a considerable augmentation of the debt must inevitably ensue.

The Territorial courts have now almost completed the spring term, and as far as I can learn, without a single conviction. The number is now six, and in a few days will be reduced by the discharge of one of the most productive hands to five. Of this number one is the cook, whose light frame and shattered constitution, renders him almost wholly useless for any other purpose. Another, a Winnebago Indian, whose

total ignorance of the English language, and aversion or inaptness to learn any mechanical labor, renders him also almost wholly useless, leaving but three absolutely for productive labor. Prudence would dictate that the men in charge should never be less than two, and should these be the Warden and one guard, their salaries alone will be more than the men can earn. To avoid then, the accumulation of a debt by the Territory, which seems inevitable, it has been suggested that the future management of the prison be made the subject of individual enterprise, and that it be let to some person or persons, upon the best terms which the wisdom of the Legislature can devise. It is urged that to place one in charge whose sole object was gain, would be in a great measure, the defeat of the objects intended by prison discipline, and subject the prisoners to oppressive labor, and frequently to inhuman treatment, but it is believed that the prison might be let out under such regulations and instructions, as will secure adequate protection to the prisoners, and meet all the objects for which the prison was created.

In regard to the item of guarding the prison, I have to say that, in the selection of guards I have been governed in a great measure by circumstances, relying, as I was necessarily compelled to do, entirely upon the issue of script for pay. I found great difficulty in procuring those persons best adapted by their temperament and character for this purpose, and to this may be in a great measure ascribed the many escapes which have taken place since the establishment of this prison. Altho' the Legislature with an eye to this, made liberal provision in allowing to guards twenty dollars per month, the object has been defeated by the mode and tardiness of pay, and it is proper I should here remark that although the guards have nominally received twenty dollars per month, they have not in reality (as indeed is the case with all the officers connected with the government of the prison) received seventy-five per cent of that sum.

While the number of convicts amounted to nine, and some of them of the most desperate and determined character, I deemed it best to keep two guards, and never separated them but upon the most urgent necessity, giving to each the special care and charge of his peculiar and particular number of men, which devolved the responsibility upon each, at the same time that it combined the power of both. This rule so rigidly adhered to, and almost solely departed from but once, and then but for a short time, leaving but two convicts with the guard, resulted in the unfortunate occurrence which has made him a cripple, in all probability for life, and lost one of the worst men ever let loose upon society.

The eleventh section of the act creating the Penitentiary, and regulating its management, requires the person in charge to submit annually to the Legislature, such by-laws, rules and regulations, as were established for the discipline and government of the prison, a copy of which is herewith transmitted. In connection with these, I would remark that the mute system has been carried out as far as could well be, consistent with the labor engaged in, and that the convicts have generally shown a willingness to obey and conform to all the regulations of the prison. In the mode of punishment, the violent methods have been almost or wholly abandoned, and the more rational or human one adopted of rewarding merit by marks of approbation, and frequently half of Saturday afternoon has been given for the purpose of washing up and reading, at which time the Bible, the lives of self-made men, of celebrated travellers, the Penny Magazine, and all other useful works, have been allowed them, which it is believed has awakened a spirit of emulation here, and has had a tendency to soften the disposition and elevate the mind, and at the same time, sends them into the world at the expiration of their term of service, better fitted and better disposed to make good citizens.

I have good reason however to know that this rule is not without its exceptions, and that some are strangers to the emotions of gratitude, or insensible to man's kindness and approbation. To such the punishment resorted to, has been of a kind, irksome and mortifying in character, as best calculated to subdue a long settled perverseness of disposition.

In their moral education, I have to report that each convict is provided with a Bible, and although we have no settled clergyman, preaching by voluntary contribution, is occasionally had, and all Sabbath's are devoted to Bible reading and religious exercises.

While I have reported a loss of two hundred and sixty-five days by sickness and casualty, with a comparatively small medical bill, it is proper I should accompany it with an explanation. In the first place, to secure health as far as may be, the cells are white-washed fall and spring, and from the first of May to the first of September, once a month; and in the next, everything inside the prison buildings, which is calculated to engender sickness, is removed and the whole interior carefully cleaned up. Notwithstanding this precaution, however, billious diseases of the milder kind, have prevailed to considerable extent. So much so, that I frequently found myself during the last summer, unable to muster more than one or two hands able to labor, but as the cases

generally yielded readily to the common medicines, a physician was deemed unnecessary and seldom, if ever, called.

During the five months next succeeding my last report, four convicts were received into the prison, making at one time thirteen; of whom two have escaped; one committed suicide, three discharged by expiration of term of service; one pardoned; (a few days previous to his time of liberation,) and six still remain in confinement.

In conclusion I would remark, that I have been induced to be thus minute in detail, that the Legislature might be in possession of all the facts, and thus be able to take such action as shall to them seem best calculated to meet the ends desired.

All of which is respectfully submitted.

EDWIN GUTHRIE,

Warden of the Iowa Penitentiary.

REPORT

OF THE TERRITORIAL TREASURER.

TERRITORIAL TREASURER'S OFFICE, }
Iowa City, May 10, 1845. }

To the Honorable, the Council

and House of Representatives of the Territory of Iowa:

GENTLEMEN:—In accordance with law, the following is respectfully submitted, as a correct statements of the receipts and disbursements of this Office, from 5th December, 1843, to 10th of May, 1845.

1843.		\$ cts.
Dec. 6.	Amount in Treasury,	74 40
<i>Receipts 1st Quarter commencing 6th Dec. 1843.</i>		
	Cedar county, P. J. Friend, Treasurer,	
	By warrant No. 62, J. W. Brown,	16 00
	" cash,	31 10
	Johnson county, Tho's Snyder, Treasurer,	

By treasury draft No. 6, Wm. L. Gilbert,	15 00
“ warrant, “ 66, S. H. Tryon,	19 34
“ “ “ 42, Z. C. Inghram,	7 00
“ cash,	10 00
Jones county,	
By treasury draft No. 4, C. C. Reed,	21 00
Johnson county, T. Snyder, Treasurer,	
By treasury certificate No. 37, Murray & Sanxay,	16 00
“ warrant, “ 11, S. C. Trowbridge,	2 50
“ cash,	28 00
Total, end of 1st quarter,	<hr/> 240 24

Disbursements 1st Quarter, Dec. 6, 1843.

Warrants.

No. 62,	J. W. Brown,	16 00
	Wm. L. Gilbert, salary as Auditor, &c,	164 00
“ 66,	S. H. Tryon,	19 34
“ 42,	Z. C. Inghram,	7 00
“ 11,	S. C. Trowbridge,	2 50
	Murray & Sanxay, Treasury certificate No. 37,	16 00
Total amount end of first quarter,		<hr/> 224 84
Balance in Treasury, 5th March, 1844,		<hr/> 15 50

1844.

Receipts 2nd Quarter, 6th March, 1844.

Jefferson county,	
By warrant No. 92, John Claypoole,	56 10
Washington county,	
By treasury draft, No. 11, Wm. L. Gilbert,	45 00
Muscatine county,	
By treasury draft, No. 13, Wm. L. Gilbert,	5 00
Johnson county, T. Snyder, Treasurer,	
By treasury draft, No. 10, Wm. L. Gilbert,	20 00
“ “ “ “ 9, S. C. Trowbridge,	3 09
Louisa county,	
By Treasury draft, No. 12, Wm. L. Gilbert,	20 00
Henry county,	

By treasury certificate, No. 22, J. W. & W. G. Albright,

202 73

Total amount end of 2nd quarter,

367 42

Disbursements 2nd Quarter, 5th March, 1844.

Warrants.

No. 92,	John Claypoole,	56 10
" 64,	J. G. Greene,	3 00
" 124,	S. C. Trowbridge,	3 09
	J. W. & W. G. Albright, treasury certificate No. 22,	202 73
	Wm. L. Gilbert, salary, as Auditor, &c.	48 00

Total amount end of 2nd quarter,

312 92

Excess of Receipts end of 2d quarter,

54 50

Receipts 3rd Quarter from 6th June, 1844.

Lee county,

By warrant No. 113, Edwin Guthrie,	407 99
" " " 116, " "	235 43
" Treasury certificate No. 7, James Wilson,	48 82

Van Buren county,

By warrant, No. 17, Henry Heffleman,	50 00
" " " 15, " "	50 00
" " " 16, " "	50 00
" " " 13, " "	50 00
" " " 18, " "	50 00
" " " 52, J. H. Bonney,	15 00
" " " 22, Maj. Henry King,	32 00
" " of March 13, 1840, Maj. Henry King,	28 00
" " No. 92, Anderson & McHenry,	7 77
" " " 121, Henry Heffleman,	20 00
" " " 119, " "	25 00
" " " 120, " "	21 00
" " " 19, " "	20 00
" " " 75, A. W. Noe,	40 50
" Treasury certificate No. 17, Wm. Augabright,	8 27
" " " 6, Solomon Fine,	147 00
" " " 24, Fitzpatrick & Dorsey,	44 90

Total amount end of 3rd quarter,

1406 18

Disbursements 3rd Quarter from 6th June, 1844.

Warrants.

No.	Wm. L. Gilbert, salary as Auditor, &c.	10 00
	James Wilson, Treasury certificate No. 7,	48 82
" 116	Edwin Guthrie,	235 43
" 113	" "	407 99
" 17	Henry Heffleman,	50 00
" 15	" "	50 00
" 16	" "	50 00
" 13	" "	50 00
" 18	" "	50 00
" 52	J. H. Bonney,	15 00
" 22	Maj. Henry King,	32 00
"	" " " warrant dated March 14, 1840,	28 00
" 65	Anderson & McHenry,	7 77
" 121	Henry Heffleman,	20 00
" 119	" "	25 00
" 120	" "	21 00
" 19	" "	20 00
" 75	A. W. Noe,	40 50
	Fitzpatrick & Dorsey, Treasury certificate No. 24,	44 90
	William Augabright, " " " 17,	8 27
	Solomon Fine, " " " 6,	147 00
Total amount end 3rd quarter,		1361 68
Excess of receipts end of 3rd quarter,		44 56

Receipts from 5th Sept. 1844, to 31st Dec. 1844.

Muscatine county,	
By treasury draft No. 7, W. G. Woodward,	3 00
" " " " 5, T. S. Parvin,	33 75
Washington county,	
By treasury draft No. 17, Wm. L. Gilbert,	8 18
Johnson county,	
By treasury draft No. 8, bearer,	1 31
" " " " 15, Wm. L. Gilbert,	10 00
" " " " 16, M. P. McAllister,	40 00
Jones county,	
By treasury draft No. 14, Wm. L. Gilbert,	23 00

Linn county,		
By treasury draft 15th Sept. '44, W. L. Gilbert,		7 93
Van Buren co., G. B. Alexander, Treasurer,		
By warrant No. 140, J. H. Bonney,		11 59
" " " 139, Elisha Cutler,		5 31
" " " 141, Anderson & McHenry,		3 15
" " " 142, Fry B. Hazeltine,		5 12
Des Moines county, H. Moore, Treasurer,		
By warrant No. 4, O. H. W. Stull,		50 00
" " " 79, Ozra Hall,		57 50
" " " 112, T. F. Scott,		62 64
" Treasury certificate No. 29, James Cameron,		223 31
" " " " 31, Jones & Powell,		73 50
" " " " 8, Wilson, Perry & co		151 65
Johnson county, T. Snyder, Treasurer,		
By Territorial taxes,		14 99
Total amount,		830 43

Disbursements from 5th Sep. 1844 to 31st Dec. 1844.

Warrants.

No.	Wm. L. Gilbert, salary as auditor, &c.	11 11
" 130	Morgan Reno,	77 44
" 129	" "	75 00
" 139	Elisha Cutler,	5 31
" 140	J. H. Bonney,	11 59
" 141	Anderson & McHenry,	3 15
" 142	Fry B. Hazletine,	5 12
" 4	O. H. W. Stull,	50 00
" 79	Ozra Hall,	57 50
" 112	T. F. Scott,	62 64
	James Cameron, Treasury certificate No. 29,	223 31
	Jones and Powell, " " " 31,	73 50
	Wilson Perry & co. " " " 8,	151 65
	Murray & Sanxay, " " " 39,	10 00
Total amount,		817 32
Excess of receipts in Treasury, 31st Dec. 1844,		13 11

Receipts 1st Quarter from 31st December, 1844.

Jefferson county, G. Smith, Treasurer,	
By warrant No. 118, John Claypoole,	90 26
By treasury certificate No. 13, John Claypoole,	137 48
Linn county, Horace N. Brown, Treasurer,	
By territorial revenue,	12 00
Louisa county, Geo. F. Thomas, Treasurer,	
By warrant No. 122, O. H. W. Stull,	112 50
" " " 127, Crow & Walker,	80 00
" " " 51, Emanuel Horner,	2 00
Johnson county, T. Snyder, Treasurer,	
By warrant No. 146, Wesley Jones,	2 25
" " " 109, Charles Morton,	2 00
" " " 224, James P. Carleton,	3 00
" " " 115, Wm. P. Doty,	19 50
" cash,	41 69
Muscatine county,	
By Treasury draft, No. 19, Wm. L. Gilbert,	165 50
Wapello county, Thos. Foster, Treasurer,	
By territorial revenue for year 1844,	30 00
Scott county, A. H. Miller, Treasurer,	
By warrant No. 73, John W. Brown,	32 00
" " " 71, Levi Williams,	11 00
" " " 70, A. H. Davenport,	13 50
" " " 46, John G. McDonald,	6 50
" Treasury draft, No. 20, Wm. L. Gilbert,	50 00
" " certificate No. 40, Murray & Sanxay,	36 77
" cash,	24 39
Dubuque county, P. Quigley, Treasurer,	
By warrant No. 43, Geo. W. Cummings,	77 00
" cash,	105 79
Jackson county, Robert Reed, Treasurer,	
By territorial revenue for year 1844,	40 00
Keokuk county, W. W. Brown, Treasurer,	
By territorial revenue for year 1844,	15 51
Total amount ending 1st quarter,	1123 75

Disbursements of 1st Quarter, from 31st Dec. 1844.

Warrants.

No. 118 John Claypoole, 90 26

Warrants.	John Claypole, treasury certificate No. 13,	137 48
No. 51	Emanuel Horner,	2 00
" 127	Crow & Walker,	80 00
" 122	O. H. W. Stull,	112 50
" 146	Wesley Jones,	2 25
" 109	Charles Morton,	2 00
" 124	James P. Carleton,	3 00
" 115	Wm. P. Doty,	19 50
	Wm. L. Gilbert, salary as Auditor, &c.	185 00
" 128	Morgan Reno,	75 00
" 46	John G. McDonald,	6 50
" 70	A. H. Davenport,	13 50
" 71	Levi Williams,	11 00
" 73	John W. Brown,	32 00
	Murray and Sanxay, treasury certificate No. 40,	36 77
" 43	Geo. W. Cummings,	77 00
Total amount end of 1st quarter,		885 95
Excess of receipts, 31st March 1845,		237 80

1845.

Receipts 2nd Quarter, 1845.

April 1.	Jefferson county,	
	By territorial revenue for 1844,	160 69
" 4.	Cedar county,	
	By territorial revenue for 1844,	89 15
" 19.	Jones county,	
	By territorial revenue for 1844,	29 71
May 1.	Lee county,	
	By warrant No. 156, Anderson & McHenry,	36 00
	" " " 117, John A. Drake,	19 00
	" " " 136, Charles Jewett,	69 44
	" " " 145, do do	26 66
	" " " 83, do do	20 00
	" " " 90, Charles Morton,	40 00
	" " " 97, David Myers,	40 26
	" " " 84, Elias Frits,	20 00
	" " " 96, Thomas F. Scott,	60 12
	" " " 153, Edwin Guthrie,	34 00
	" Treasury certificate No. 2. Edwin Guthrie,	28 85
	" " " " 11, John Waters,	12 49

	By Treasury certificate No. 26, John C. Tull,	18 38
	" " " " 15, Peter Miller,	109 37
May 5.	Washington county,	
	By territorial revenue for 1844,	93 00
	Henry county,	
	By warrant, No. 85, Samuel Smith,	5 91
	" " " 154, Edwin Guthrie,	59 37
	" " " 100, Charles Jewett,	47 00
	" " " 150, Richard Brazier,	3 33
	" " " 149, Thadeus S. Chamberlain,	60 00
	" cash,	35 24
" 9.	Van Buren county,	
	By warrant, No. 111, Daniel McConn,	180 00
	" " " 134, Anderson & McHenry,	41 40
	" " " 106, Charles Morton,	14 93
	" " " 137, John Moysce,	52 50
	" Treasury certificate No. 21, Wm Anderson,	132 69
" 9.	Davis county,	
	By territorial revenue for 1844,	19 65
	Total amount of receipts to 10th May, 1845,	1796 94

Disbursements 2nd Quarter from first of April 1845.

Warrants.

No. 164	Morgan Reno,	225 00
	Wm. Abbe, Treasury Certificate No. 32,	6 79
	Wm. L. Gilbert, salary as Auditor, &c.,	108 60
" 158	O. H. W. Stull,	58 00
" 156	Anderson & McHenry,	36 00
" 117	John A. Drake,	19 00
" 136	Charles Jewett,	69 44
" 145	do	26 66
" 83	do	20 00
" 90	Charles Morton,	40 00
" 97	David Myers,	40 26
" 84	Elias Frits,	20 00
" 96	Thomas F. Scott,	60 12
" 153	Edwin Guthrie,	34 00
	do Treasury Certificate No. 2,	28 85
	Jonh Waters, do do do 11,	12 49

	John C. Tull, treasurer's certificate No. 26,	18 38
	Peter Miller, do do do 15,	109 37
" 154	Edwin Guthrie,	59 37
" 100	Charles Jewett,	47 00
" 150	Richard Brazier,	3 33
" 249	Thadeus S. Chamberlain,	60 00
" 85	Samuel Smith,	5 91
	Malcolm Murray, Treasury Certificate No. 34,	132 30
	Wm. Anderson, do do do 21,	132 59
" 137	John Moysce,	52 50
" 106	Charles Morton,	14 93
" 134	Anderson & McHenry,	41 40
" 111	Daniel McConn,	180 00

Total amount to 10th of May, 1845, 1654 39

Excess of receipts, 10th of May, 1845, 142 55

Total amount of receipts from 6th Dec. 1843,
to the 10th May, 1835, 5325 25

Add the excess in treasury, 6th Dec. 1843, 74 40

Making in all, 5399 65

Disbursements for the same time, 5257 10

Leaving an excess of receipts in Treasury of 142 55

All of which is respectfully submitted by

Your most ob't serv't,

MORGAN RENO,

Territorial Treasurer.

REPORT

OF THE AUDITOR OF PUBLIC ACCOUNTS.

AUDITOR'S OFFICE, IOWA, }
Iowa City, May 15, 1845. }

To the Honorable, the Council

and House of Representatives of the Territory of Iowa:

GENTLEMEN:—

In conformity to the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled "An act providing for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasurer," I herewith submit to you the following

REPORT:

Warrants issued since my last annual report bearing date 6th December, 1843.

For pay of Military Officers, &c.

To Chas. Mattoon as member of a court martial,	\$10 00
" J. G. Green, do do	3 00
" Arthur Washburn, do do	2 00
" S. C. Hastings, do do	2 00
" A. T. Banks, do do	3 25
" Hiram Matthews, Marshal do	2 00
" Wm. Parvin, do do	4 00
" Jacob Butler, Judge Advocate, do	6 00
" Irad C. Day, do do	6 00
" O. H. W. Stull for salary as Adjutant Gen.	112 50
" do do do	37 50
" do do do	50 00
" do do do	50 00
" David R. Warfield for services as Brigade Inspector,	64 00
" James Clarke for printing military commissions,	17 50
	<hr/>
	\$369 75

For Expenses of Penitentiary.

To Thos. Hardy,	\$24 06
" Luke Alpin,	29 33
" do	334 00
" Aquiline W. Noe,	40 50
" Thos. Hale,	16 75
" do	16 18
" Chas. Jewett,	58 66
" do	4 66
" do	3 33
" do	20 00
" do	47 00
" do	69 44
" do	26 66
" do	7 00
" Ozra Hall,	57 50
" do	7 00
" Elias Frits,	23 00
" do	20 00
" do	60 00
" Derias Wellington,	33 80
" Thomas F. Scott,	29 20
" do	11 00
" do	8 64
" do	60 12
" Anderson & McHenry,	10 75
" do	7 77
" do	41 40
" do	3 15
" do	36 00
" do	44 10
" Charles Martin,	40 00
" do	2 00
" Patrick Gilligan,	5 96
" John Claypoole,	56 10
" do	90 26
" John Carl,	17 47
" Aaron Scott,	12 75
" David Myers,	40 26
" do	117 40

To David Myers,	10 50
" William Wilson,	3 00
" do	31 50
" Amos Ladd,	6 00
" Daniel McConn,	8 00
" do	180 00
" John Moyce,	31 84
" do	52 50
" do	144 66
" do	40 00
" Charles Merton,	14 93
" do	8 25
" do	7 50
" Smith & Deming,	17 11
" T. F. Scott,	62 64
" Edwin Guthrie,	407 99
" do	335 43
" do	200 00
" do	100 00
" do	34 00
" do	59 37
" John A. Drake,	19 00
" Crow & Walker,	80 00
" Ward Lampson,	8 00
" Guy Wells,	36 25
" John Waters,	34 50
" Thadeus Chamberlain,	234 00
" do	60 00
" James G. Edwards,	11 00
" Zennis Nash,	100 00
" Richard Brazier,	3 33
" Agrippa Henderson,	3 33
" Samuel Smith,	7 50
" Southwick Guthrie,	40 00
" Edward Kilbourn,	36 80
" Franklin Knapp,	4 00
" H. Cartermole,	59 85
" J. P. Eddy,	10 00
	<hr/>
	\$4035 98

For fees of Sheriffs and Clerks of the District Courts.

To Wm. P. Doty, Sheriff for attending Supreme Court,	19 50	
" Henry Heffleman, Sheriff of Van Buren county for attending District Courts,	25 00	
" Henry Heffleman do do	21 00	
" do do do do	20 00	
" Josiah H. Bonney, do do	11 59	
" D. J. Snyder, Sheriff Muscatine co. do	85 50	
" E. Cutler, Clerk dis. court in Van Buren co.	5 31	
" F. B. Hazeltine, do do	5 12	
	<hr/>	\$193 02

For salary of Territorial Treasurer and postage of Treasurer's office.

To Morgan Reno,	227 44	
" do	225 00	
	<hr/>	\$452 44
		<hr/>
		\$5051 19

For Contingent Expenses.

To James P. Carleton for seal press,	3 00	
" S. C. Trowbridge for postage of Aud's office	3 00	
" do do do	1 87	
" Wesley Jones for paper	2 25	
	<hr/>	\$10 12

Total am't of warrants issued since 6th Dec. 1843,	\$5061 31
Am't outstanding against the Ter. 6th Dec. 1843,	13154 25
	<hr/>
	\$18215 56

Warrants cancelled and payments by Territorial Treasurer,	5257 10	
Amount remaining in the Treasury on the 10th inst. as per Treasurer's report,	142 55	
	<hr/>	\$5399 65
		<hr/>
Am't now outstanding against the Territory,		\$12815 91

The following statement of the accounts with the several counties in the Territory will exhibit the apparent resources of the Territory, as

the means of discharging the above amount of liabilities, now outstanding against the Territory. The first statement exhibits the condition of the old accounts from the year 1839 to 1843 inclusive, from which I am satisfied there will be but little, if any more realized by the Territorial Treasury.

The late act of the Legislative Assembly, approved 15th February, 1844, entitled "An act for assessing Territorial Tax and for other purposes," which makes it the duty of the county Treasurers to collect the Territorial tax and pay it into the Territorial Treasury, has had a tendency to secure a degree of promptness, in a portion of the county Treasurer's not heretofore manifested by a large majority of the county officers who have had the handling of the Territorial revenue, and being aware that such would be the case under the law above referred to, (from the fact that the responsibility is now placed upon, and confined to one individual, viz: the county treasurer, and that he can now be reached by law and coerced into a faithful performance of his duty,) I have deemed it expedient and proper to open a new set of accounts for the taxes of 1844, as will be found in the second statement under the head of new accounts.

Statement of old accounts from 1839 to 1843, inclusive.

CEDAR COUNTY,

	<i>Dr.</i>	<i>Cr.</i>
To amount due 6th Dec. 1843 as per last report,	\$143 61	
By Territorial Treasurer's rec't. 29th Oct. '44,	— —	\$47 10
Balance now due,	96 51	

CLAYTON COUNTY,

To am't due 6th Dec. 1843, as per last report,	\$48 65
" Assessment of Territorial tax, for 1843,	25 79
Amount now due,	\$74 44

CLINTON COUNTY,

To am't due 6th Dec. 1843, as per last report,	\$65 18
" Assessment of territorial tax for 1843,	22 43
Amount now due,	\$87 61

DESMOINES COUNTY,

To balance due 6th Dec. as per last report,	\$649 87	
“ Assessment of territorial tax for 1843,	783 56	
	<hr/>	
	1433 43	
By Territorial Treasurer's rect. 29th Oct. '43,		\$618 60
“ Delinquent list for 1842,		11 44
		<hr/>
		630 04
To balance now due,	\$803 39	

DUBUQUE COUNTY,

To am't due 6th Dec. 1843, as per last report,	\$193 16	
“ Assessment of territorial tax for 1841,	112 37	
“ do do 1842,	79 05	
“ do do 1843,	100 00	
	<hr/>	
	484 58	
By Territorial Treasurer's rect. May 12, 1845,		\$67 29
To balance now due,	\$417 29	

HENRY COUNTY,

To balance due 6th Dec. 1843, as per last report,	\$17 60	
By Territorial Treasurer's rec't June 20, 1844,		\$166 83
“ Balance as appears on the books,		\$149 23
The abstract of the assessment for the year 1843, has not been transmitted by the Clerk of the Board of County Commissioner's to this office as required by law, consequently the assessment for that year (which would leave a small balance in favor of the Territory,) is not charged to the county.		

SCOTT COUNTY,

By bal. due Scott co. Dec. 6, '43, as per report,		\$10 00
To am't. transferred to new acct. for 1844,	\$10 00	

MUSCATINE COUNTY,

To bal. due Dec. 6, 1843, as per last report,	\$466 75	
“ Assessment of territorial tax for 1843,	287 70	
	<hr/>	
	754 45	

By cash paid on three drafts as per Treasurdr's	\$41 75
To balance now due,	\$712 70

JACKSON COUNTY,

To am't. due 6th Dec. 1843, as per last report,	\$79 75
" Assessment of territorial tax for 1843,	55 32
	<hr/>
Amount now due,	135 07

JEFFERSON COUNTY,

To am't. due 6th Dec. 1843, as per last report,	\$230 95
" Assessment of territorial tax for 1843,	139 13
	<hr/>
	370 08
By Territorial Treasurer's rec't May 10, 1844	\$56 10
" do do do 12, 1845,	227 74
	<hr/>
	283 84
To balance now due,	86 24

JOHNSON COUNTY,

To balance due Dec. 6, 1843, as per last report,	\$275 54
By Territorial Treasurers rect. May 12, '45,	\$190 51
To balance now due,	85 03

JONES COUNTY,

To balance due Dec. 6, 1843, as per last report,	\$28 96
" Assessment of territorial tax for 1843,	16 77
Cash paid on two drafts as per Trea's report,	\$44 00
By Collector's commission,	1 73
	<hr/>
	45 73
Amount now due,	45 73

LEE COUNTY.

To bal. due Dec. 6, 1843, as per last report,	\$298 35
" Assessment of territorial tax for 1843,	536 83
By Territorial Treasurer's receipt 29th October, 1844,	\$692 24
By Territorial do do May 1, 1845,	35 06
" Delinquent list for 1842-3,	37 82

" Collectors commission,	70 06
	<hr/>
	835 18
Balance now due,	835 18

LINN COUNTY,

To balance due Dec. 6, 1843, as per report,	\$13 82
" Assessment of territorial tax for 1843,	52 22
	<hr/>
	66 04
By cash paid on draft as per Treas'r's report,	\$7 93
To balance now due,	58 11

LOUISA COUNTY,

To balance due 6th Dec. as per report,	\$116 34
By Territorial Treasurer's rect. May 12, 1845,	\$214 50
" Balance as appears upon the books,	98 16
The Clerk of the Board of County Commissioners has neglected to transmit to this office an abstract of the assessment for the year 1843, which when filed in this office, and placed to the account of Louisa county, will leave a considerable balance in favor of the Territory.	

VAN BUREN COUNTY,

To amount due Dec. 6, 1843, as per report,	\$988 14
By Territorial Treasurer's rect. Oct. 29, 1844,	\$684 61
Balance now due,	303 53

WASHINGTON COUNTY,

To balance due Dec. 6, 1843, as per report,	\$167 83
By cash paid on two drafts as per Treasurer's report,	\$53 18
Balance now due,	114 15

Recapitulation of old Accounts.

Due from Cedar county,	\$96 51
do do Clayton county,	74 44
do do Clinton county,	87 61
do do Des Moines county,	803 39
do do Dubuque county,	417 29

Due from Muscatine county,	712 70
do do Jackson county,	135 07
do do Jefferson county,	86 24
do do Johnson county,	85 03
do do Linn county,	58 11
do do Van Buren county,	303 53
do do Washington county,	114 15
	<hr/>
	\$3474 07

To this amount should be added such balances as may be found to be due from Henry and Louisa counties, after the abstracts of the assessments for the year 1843, shall have been filed in this office, and charged to said counties.

Statement of new Accounts for the Taxes of 1844.

<i>Treasurer of Muscatine county,</i>	<i>Dr.</i>	<i>Cr.</i>
To assessment for the year 1844,	\$269 18	
By cash paid on draft as per Treasurer's report,		\$165 50
To balance now due,	103 68	

<i>Treasurer of Clinton county,</i>	
To Assessment for the year 1844,	\$46 43

<i>Treasurer of Henry county.</i>	
To Assessment for the year 1844,	\$330 69
By delinquent list,	\$64 64
" County Treasurer's commission on \$266 05,	13 30
" Travelling fees,	6 00
" Territorial Treasurer's rect. May 12, 1845,	246 75
	<hr/>
	\$330 69
	<hr/>
	\$330 69

<i>Treasurer of Mahaska county.</i>	
To Assessment for the year 1844,	\$22 33

<i>Treasurer of Davis county.</i>	
To Assessment for the year 1844,	\$29 17
By Territorial Treasurer's rect. May 12, 1845,	\$19 65
" Delinquent list,	3 74
	<hr/>
	23 39
To balance now due,	<hr/>
	\$5 78

Treasurer of Clayton county,

To Assessment for the year 1844,	\$40 37	
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Treasurer of Scott county,

To Assessment for the year 1844,	\$199 33	
By County Treasurer's commission on \$199 33,		\$9 97
" Travelling fees,		5 20
" Balance due Scott county, 6th December, 1843, as per last report,		10 00
" Territorial Treasurer's rect. May 12, 1845,		174 16
		<hr/>
		199 33
	\$199 33	

Treasurer of Jones county,

To Assessment for the year 1844,	\$31 27	
By Territorial Treasurer's receipt,		\$29 71
" County Treasurer's commission on \$31 27,		1 56
		<hr/>
		31 27
	31 27	

Treasurer of Jefferson county,

To Assessment for the year 1844,	\$226 31	
By Delinquent list,		\$50 85
" County Treasurer's commission on \$175 46,		8 77
" Travelling fees,		6 00
" Territorial Treasurer's rect. May 12, 1845,		160 69
		<hr/>
	226 31	226 31

Treasurer of Keokuk county,

To Assessment for the year 1844,	\$18 01	
By Territorial Treasurer's rect. May 12, 1845,		\$15 51
" Delinquent list,		1 66
" County Treasurer's commission on \$16 35,		84
		<hr/>
	18 01	18 01

Treasurer of Des Moines county,

To Assessment for the year 1844,	\$702 21
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Treasurer of Washington county,

To Assessment for the year 1844,	\$130 70	
By Territorial Treasurer's receipt,		\$93 00
	<hr/>	
To balance now due,	37 70	

Treasurer of Linn county,

To Assessment for the year 1844,	\$94 06	
By Territorial Treasurer's receipt,		\$12 00
	<hr/>	
To balance now due,	82 06	

Treasurer of Jackson county.

To Assessment for the year 1844,	\$80 69	
By Territorial Treasurer's receipt,		\$40 00
	<hr/>	
To balance now due,	40 67	

Treasurer of Louisa county,

To Assessment for the year 1844,	\$198 36	
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Treasurer of Delaware county,

To Assessment for the year 1844,	\$20 01	
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Treasurer of Cedar county,

To Assessment for the year 1844,	\$106 22	
By Delinquent list,		\$9 75
" County Treasurer's commission on \$96 47,		4 82
" Travelling fees,		2 50
" Territorial Treasurer's rect. May 12, '45,		89 15
	<hr/>	<hr/>
	106 22	106 22

Treasurer of Wapello county,

To Assessment for the year 1844,	\$41 68	
By Territorial Treasurer's rect. May 12, 1845,		\$30 00
" Delinquent list,		7 53
	<hr/>	<hr/>
		37 53
To balance now due,	4 15	

Treasurer of Lee county,

To Assessment for the year 1844,	\$624 97	
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By Delinquent list,	\$127 62
“ County Treasurer’s commission on \$497 35,	24 86
“ Travelling fees,	8 00
“ Territorial Treasurer’s receipt,	499 51
	<hr/>
	659 99

By balance as appears upon the books, 36 02

Treasurer of Johnson county,

To Assessment for the year 1844,	219 35
By Territorial Treasurer’s rect. May 12, 1845,	65 17
	<hr/>
To balance now due,	154 18

Treasurer of Dubuque county,

By Territorial Treasurer’s rect. May 12, 1845,	115 50
“ Travelling fees,	8 60
“ County Treasurer’s commission on \$130 63,	6 53
	<hr/>
	\$130 63

Treasurer of Van Buren county,

By Territorial Treasurer’s rect. May 12, 1845,	\$421 52
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The abstracts of the assessments for the year 1844, have not been sent up to this office from the two last mentioned counties. From the amount of the assessments in those two counties for the preceding year, I am inclined to believe that when the abstracts for 1844 shall be charged, and the delinquent lists credited, the accounts will about balance.

Recapitulation of amount due on new accounts for 1844.

Due from Muscatine county,	\$103 68
do do Clinton, do	46 43
do do Mahaska, do	23 33
do do Davis, do	5 78
do do Clayton, do	40 36
do do Des Moines, do	702 21
do do Washington, do	37 70
do do Linn, do	82 06
do do Jackson, do	40 67

Due from Louisa, county,	198 36	
do do Delaware, do	20 01	
do do Wapello, do	4 15	
do do Johnson, do	154 18	
	<hr/>	
	1458 93	
Due upon old accounts,	3474 07	
	<hr/>	
	4933 00	
Amt. over paid by Lee county deducted,	35 02	
	<hr/>	
Total amount of resources,	4897 98	
Amount of liabilities now outstanding,		12815 91
		<hr/>
Excess of liabilities above resources,		7917 93

All of which is most respectfully submitted by

WM. L. GILBERT,

Auditor of Public Accounts.

REPORT

OF MR. HEMPSTEAD, CHAIRMAN OF THE COMMITTEE ON INCORPORATIONS,

Made to the Council on the 14th day of May, 1845, on the subject of repealing the Charter of the Miners' Bank of Dubuque.

The committee on Incorporations to whom was referred "A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same, beg leave to present the following Report:

The first section of the bill provides "That the act entitled an act to incorporate the stockholders of the Miners' Bank of Dubuque," approved, November 30, 1836, is hereby repealed, and as it has been urged

on a former occasion, that the Legislative Assembly of the Territory of Iowa, "upon its own motion and upon facts which itself fixes upon a strictly legislative bearing," has no legal authority to repeal the charter of this or any private corporation; it therefore becomes necessary for your committee to examine and ascertain the powers with which they have been invested. For this purpose we beg leave to refer in the first place, to the 6th section of the Organic Law of the Territory of Iowa, which provides "that the Legislative power of said Territory shall extend to all rightful subjects of legislation." Under this provision of the Organic Law, we enquire whether a repeal of the charter of the Miners' Bank of Dubuque, would be a rightful subject of legislation?—Your committee contend that it would—that it is not only a rightful subject of legislation, but also an act of justice to the people of the Territory of Iowa, many of whom have suffered great loss and injury in consequence of the mismanagement of the said corporation.

For the purpose of showing that the repeal of said charter would be a rightful subject of legislation, your committee would state that the Legislature which conferred upon the stockholders of said bank, their corporate powers and privileges, carefully reserved to themselves and their successors the power "*at any time to annul, vacate and make void the charter which they granted if said corporation should fail to go into operation, or should abuse or misuse their privileges.*"

The next question which we propose to consider is, whether this corporation has abused or misused its corporate powers and privileges, and for the purpose of establishing the fact of gross mismanagement and a wanton abuse of the privileges granted by the charter of said bank, we beg leave to set forth the testimony of Jos. T. Fales, former Clerk of the House of Representatives, Timothy Davis, a director, and M. Mobley cashier of said bank, taken by a committee of the House of Representatives in the year 1843.

TESTIMONY.

Mr. J. T. Fales says, that he believes the stock of the bank was never paid in any other way, than by the stockholders giving their notes to the institution. That the bank suspended specie payment the last of March, 1841, and resumed the 1st of July, 1842, and paid specie for her notes about one week, when she again suspended, and has not redeemed any of her paper in specie since. That he had presented at the counter of the bank, her notes for redemption, and she had refused payment. That the officers of the bank threatened to shoot the con-

stable of Dubuque, if he persisted in attempting to serve a writ of attachment on the property of the bank, or if he attempted to open the doors of the institution. That Mr. Quigley, one of the directors, has a notice in his store, "*Notes of the Miners' Bank of Dubuque, taken here.*"

He paid him (Mr. Fales,) forty cents on the dollar. That the notes were worth from thirty-seven to forty cents on the dollar when he left home, and that he believed nearly every person wanted the institution wound up, excepting those interested in it.

Mr. Timothy Davis, one of the bank directors, testifies, that for the purpose of qualifying him to act as director, he was handed a certificate of fifty dollars for stock paid into the bank, when in fact he was not interested in the institution one cent, and intended to return the certificate when he ceased acting as director. That Messrs. Farley, Waples, Quigley and Wallard, were qualified and became directors at the same time and in the same manner that he did. That in July last, the St. Louis Gas Light Company deposited in Galena twenty thousand dollars, for the purpose of receiving the Dubuque money, and that the bank did redeem for about one week in July last. That there are outstanding notes of the bank, besides what are in the hands of the Gas Light Company, eight thousand dollars; to redeem which the bank has about one thousand dollars in specie. Lately the interest of the Gas Light Company in said bank, has been transferred to Thomas Mather, of Springfield, President of the State Bank of Illinois.

Mr. Mobley, of Springfield, testifies, that that Dr. Barrett and Thomas Mather, are the principal owners of the bank, and that they expect to resuscitate it. That he was employed by them to examine the condition of the institution. That Saint John, of St. Louis, was permitted to become a stockholder to the amount of forty thousand dollars, by giving his notes to the institution, and afterwards became indebted to the bank by way of loans, fifty-seven thousand dollars, all of which is a clear loss to the institution, with the exception of the difference in the worth of the stock when taken, and now, which is but a trifle, for it was worth nothing then, nor is it worth anything yet. The above loss was occasioned by Saint John's failure in business, and by his having taken the benefit of the Bankrupt act.

From this testimony it most clearly appears,

1st. That the corporators have *misused* their charter and practiced a gross fraud upon the community by not paying in their capital stock, in accordance with the law of Congress confirming said charter which pro-

vides that a Bank shall not issue bills or notes until one half of the amount of the capital stock shall have been actually paid in.

Until the capital stock was paid in by the stockholders of said bank, in the legal coin of the United States, it could have no legal existence as a corporation; this was a condition precedent which the stockholders were bound to perform before they could acquire corporate vitality, yet instead of doing this as they were required—instead of paying in the legal coin of the United States, they give their notes to the institution and commenced the business of banking, and then, and now claimed to exercise the corporate privileges conferred upon them by the Legislature in open defiance of law.

2nd. That persons who were not the bona fide owners of stock in said bank, have been elected directors of the same, when the law of Congress confirming the charter, declares that "*the directors shall all be stockholders in the institution.*" Does the law contemplate that the directors shall be *nominal* stockholders—persons who have no interest or responsibility in the management of the affairs of the institution—mere directors for the real owners of the bank? Such certainly is not the meaning, spirit or intention of the law.

3rd. That the Bank *suspended* specie payment on her liabilities from the last of March, 1841, to the first of July 1842, and then paid specie for about one week—again suspended for a great length of time, contrary to the provisions of her charter, which expressly declares that said corporation shall redeem her bills, "*obligatory, and of credit, notes and post notes, when demanded at their banking house in the legal coin of the United States.*"

Will any one pretend that a refusal to pay specie on the part of the Miners Bank, bills and liabilities when demanded at their banking house is not a violation of the foregoing provision? To show that a suspension of specie payment has been considered a violation of charters containing similar provisions to that of the Miners' Bank, it is only necessary to look to the different states of the American Union, which have piled act upon act, for the purpose of legalizing the suspensions of their banking corporations—acts which will stand forever recorded upon their statute books to condemn and disgrace those who passed them.—Although it is not pretended but that the Miners' Bank of Dubuque, has so abused and misused her corporate privileges as to create a forfeiture of her charter, yet it has been urged that the Legislative Assembly of Iowa, cannot "annual, vacate and make void her charter until the acts of forfeiture have been judicially investigated and declared by a court of competent jurisdiction."

Your committee as to this point, beg leave to say that the rule thus contended for has no application to the repeal of the charter of the Miners' Bank, inasmuch as the power to annul, vacate, and make void such charter has been reserved to the Legislative Assembly of this Territory.

"If (says Chancellor Kent,) a charter be *granted* and *accepted* with that reservation, there seems to be no ground to question the validity and efficacy of the reservation."

To contend that the charter of the Miners' Bank, cannot be repealed by the Legislative Assembly of Iowa, until the same has been declared forfeited by the judgment of a judicial tribunal, would make wholly inoperative the provision of the charter authorizing the Legislature at any time, to annul, vacate, and make void the same. If such should be the construction, then would this excellent and wise provision be a dead letter. Can it be supposed for a moment that such was the intention of the Legislature, when the charter was granted? That they only intended to reserve to themselves and their successors the mighty privilege of confirming the decrees rendered for and against such a corporation, of being the mere echo of judicial decisions? Your committee think not, nor will the language, spirit and intention of this reservation, bear any such construction, but on the contrary it leaves to the Legislature, the power to repeal said charter, whenever they ascertain that the conditions of the same have been violated.

In view of the whole matter, your committee are of the opinion,

1st. That the repeal of the charter of the Miners' Bank of Dubuque, is a rightful subject of legislation under the Organic Law.

2nd. That said corporation has misused its charter, by not paying in her capital stock in accordance with law, and also, by electing directors who had no real interest in said bank, and by refusing to pay her debts and liabilities, when demanded at her banking house, in the legal coin of the United States.

Such having been the conduct of the Miners' Bank, we believe that its charter should be repealed, that the people of this Territory may not hereafter be injured and defrauded by an institution which has heretofore been so regardless of law and the interest of our citizens.

REPORT
OF MR. SHELBY CHAIRMAN OF THE COMMITTEE ON
MILITARY AFFAIRS,

Made to the Council on the 13th day of May A. D. 1845.

The committee on Military Affairs, to whom was referred so much of the Governor's Message, as relates to the calling the Militia into service, to protect the citizens of this Territory against the attacks of the Missourians, would report:

That they have had the subject under consideration, and are of opinion that the only action which can be expected on the part of the Territorial Legislature, is to urge upon Congress the necessity of a speedy adjustment of the claims of our citizens. The tract of country in dispute, was committed to our charge by the General Government—the Territorial authorities were in quiet and peaceable possession of the same, and exercising jurisdiction over it, when the authorities of the State of Missouri, attempted to extend the laws of that State over the disputed tract. This the Governor of the Territory felt it his duty to resist—the militia of the Territory were called out, and heavy expenses incurred, which, considering the relation in which the Territory stands to the General Government, cannot be made a charge on the Territorial Treasury. The General Government is bound to protect the Territory in the exercise of jurisdiction, over any part of the Territory within its limits. The Territorial authorities cannot in any way settle the disputed boundary—could not give away any of the Territory embraced within her limits if she would—there is no other alternative left, but to enforce their jurisdiction, and look to Congress to pay all necessary expenses incurred by so doing. The Legislature of the Territory has no power to levy a tax for that purpose, and if Congress withholds from the Territories the right of taxation to meet such extraordinary contingencies, and also refuses to make appropriations out of the national treasury, to defray the expenses thereof, the Territory would be left a prey to all their surrounding neighbors, who have but to make a claim to jurisdiction over a portion of its Territory, and the Territorial authorities are powerless—they must submit and quietly be dismembered.

It is not only the duty of the General Government, from the relation in which the Territories stand to it, to pay such extraordinary expenses, but Congress has recognized the principle fully, in the case of the contest about jurisdiction between the State of Ohio, and the Territory of Michigan. Michigan was in possession of the disputed territory and exercising jurisdiction over it, but the undoubted right was with the State of Ohio. The State attempted to extend her jurisdiction over the country, which was resisted on the part of Michigan—the militia was called out, and a furious war, in which there was neither killed, wounded or prisoners, territories acquired or laurels won, was waged.—The General Government, in that case, not only furnished arms and munitions of war for that campaign, but paid the troops called into service and all the expenses incurred; and the question did not, as it could not arise, whether the Territory did right or wrong in maintaining jurisdiction over the country in dispute, and at the same session of Congress, in which the appropriation was made, Congress recognized the right of the State of Ohio to the country in dispute.

Your committee would therefore ask to be discharged from the further consideration of the subject.

It is not only the duty of the General Government, from the relation
in which the Territories stand to it, to pay such extraordinary expenses
as Congress has recognized the principle fully, in the case of the
contest about jurisdiction between the State of Ohio, and the Territory
of Michigan. Michigan was in possession of the disputed territory and
exercised jurisdiction over it, but the admitted right was with the
State of Ohio. The State attempted to extend her jurisdiction over the
territory, which was resisted by the part of Michigan which was
called out and a serious war, in which there was much bloodshed, was
and it happened, territories acquired, or lost in war, were
The General Government, in that case, not only furnished arms and
ammunition of war for the campaign, but paid the troops called into ser-
vice and all the expenses incurred, and the question did not, as it could
not arise, whether the Territory did right or wrong in not claiming ju-
isdiction over the territory in dispute, and at the same session of Con-
gress in which the appropriation was made, Congress recognized the
right of the State of Ohio to the country in dispute.
Your committee would therefore ask to be discharged from the duty
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It is not only the duty of the General Government, from the relation
in which the Territories stand to it, to pay such extraordinary expenses
as Congress has recognized the principle fully, in the case of the
contest about jurisdiction between the State of Ohio, and the Territory
of Michigan. Michigan was in possession of the disputed territory and
exercised jurisdiction over it, but the admitted right was with the
State of Ohio. The State attempted to extend her jurisdiction over the
territory, which was resisted by the part of Michigan which was
called out and a serious war, in which there was much bloodshed, was
and it happened, territories acquired, or lost in war, were
The General Government, in that case, not only furnished arms and
ammunition of war for the campaign, but paid the troops called into ser-
vice and all the expenses incurred, and the question did not, as it could
not arise, whether the Territory did right or wrong in not claiming ju-
isdiction over the territory in dispute, and at the same session of Con-
gress in which the appropriation was made, Congress recognized the
right of the State of Ohio to the country in dispute.
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JOURNAL
OF THE
COUNCIL

OF THE
EIGHTH LEGISLATIVE ASSEMBLY

OF THE
TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON THE FIRST MONDAY OF DECEMBER,
ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

Dubuque:

PRINTED BY GEORGE GREENE.

.....
1846.

JOHN A. J.

COUNCIL

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PRINTED BY GEORGE CHAPMAN

1846.

JOURNAL OF THE COUNCIL
OF THE
LEGISLATIVE ASSEMBLY
OF THE TERRITORY OF IOWA:

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE FIRST DAY OF
DECEMBER, A. D. ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE,
BY VIRTUE OF AN ACT ENTITLED "AN ACT, FIXING THE TIME FOR
THE ANNUAL MEETING OF THE LEGISLATIVE ASSEMBLY," APPROVED
JANUARY 13th, 1841.

At 12 o'clock, M., the Council was called to order by William G.
Coop, and on his motion,

Laurel Summers was appointed President, pro tem.

On motion of Stephen Hempstead,

J. F. Kinney was appointed Secretary pro tem.

On motion of S. C. Hastings,

J. L. Palmer was appointed Assistant Secretary pro tem.

On motion of Paul Brattain,

Christopher Wilson was appointed Sergeant-at-Arms pro tem.

On motion of Wm. G. Coop,

John J. Stout was appointed Messenger pro tem.

On motion of Phillip B. Bradley,

Warren Waterman was appointed Fireman pro tem.

The following named members appeared and took their seats.

From the County of Lee—JOHN THOMPSON.

From the Counties of Van Buren, Davis, and Appanoose—HENRY
M. SHELBY and PAUL BRATTAIN.

From the County of Des Moines—SHEPHERD LEFFLER.

*From the Counties of Jefferson, Wapello, and Kishkekosh—*WM. G. COOP.

*From the Counties of Louisa, Washington, Keokuk, and Mahaska—*ENOCH ROSS.

*From the Counties of Muscatine and Johnson—*S. C. HASTINGS.

*From the Counties of Cedar, Linn and Jones—*WM. ABBE.

*From the Counties of Scott and Clinton—*LAUREL SUMMERS.

*From the Counties of Dubuque, Jackson, Clayton, and Delaware—*STEPHEN HEMPSTEAD and PHILLIP B. BRADLEY.

On motion of Mr. Abbe,

The following resolution was adopted:

Resolved, That the rules for the government of the Council of the last session be adopted for the temporary government of this Council, and until new rules be adopted.

On motion of S. C. Hastings,

The Council adjourned until to-morrow morning, at 9 o'clock.

Tuesday Morning, December 2, 1845.

Mr. Hempstead presented the petition of sundry citizens of Dubuque county, praying the re-location of a part of the Territorial Road leading from Dubuque to Camp Atkinson.

Ordered, That said petition be laid upon the table subject to the order of the Council.

Mr. Hastings, on leave being granted, introduced

No. 1, C. F. "A Bill to amend an act for assessing a Territorial Tax, and for other purposes,"

Which was read a first time, laid upon the table, and the usual number of copies ordered to be printed.

On motion of Mr. Hastings,

Ordered, That Messrs. A. H. & G. D. Palmer, proprietors of the "Iowa Capital Reporter," be employed to do the incidental printing of the Council for the present session.

Mr. Hastings gave notice, that he would, on some future day, ask leave to introduce

"A Bill to define the rights of married women."

A motion was made by Mr. Abbe, that each member of the Council be furnished with 25 copies of some weekly newspaper for the present session.

Mr. Bradley moved to amend said motion by striking out "25," and inserting "30;"

Which was lost.

A motion was then made by Mr. Hastings to strike out "25," and insert "15."

And the question being put,

Was decided in the negative.

The question was then taken on the original amendment, and decided in the affirmative.

A motion was made by Mr. Abbe to re-consider the vote first taken.

To which the Council agreed.

The original motion again being before the Council,

Mr. Hempstead moved to amend the same by inserting a *proviso*, "that if said papers could be furnished at the usual subscription prices."

Which motion was lost.

A motion was then made by Mr. Abbe, to amend said motion by a *proviso*, that said papers should be furnished at the rate of two dollars per annum.

Two which the Council agreed.

The question then being put on the motion as amended,

Was decided in the affirmative.

Mr. Hastings gave notice, that he would, on some future day, introduce

A Bill relative to Divorce, Alimony, and other purposes.

Mr. Hempstead gave notice, that he would, on some future day introduce

A Bill to incorporate and establish the city of Dubuque, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

Also, an act relative to the Board of County Commissioners of Dubuque county.

Mr. Hastings gave notice, that he would, on some future day, introduce

A Bill amendatory of an act to incorporate the town of Bloomington, and provide for collecting taxes therein.

Mr. Hempstead gave notice, that he would, on some future day, introduce

A Bill to prohibit Banking in the Territory of Iowa.

Mr. Abbe gave notice, that he would, on some future day, introduce

A Bill relative to County Commissioners.

On motion of Mr. Coop,

Resolved, That a Committee of one member from each Electoral District be appointed for the purpose of Districting the Territory into Electoral Districts, and to apportion the representation thereof, and that they be instructed to take the official returns of the election for Delegate to Congress, polled at the last election, for a criterion to govern said apportionment, and that said Committee be requested to report at as early a day as convenient.

Messrs. Coop, Shelby, Thompson, Leffler, Ross, Hastings, Abbe and Bradley, were appointed said Committee.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, December 3, 1845.

On motion of Mr. Abbe,

Ordered, That the Council do now proceed to the election of its officers.

On motion of Mr. Hastings,

Hon. STEPHEN HEMPSTEAD, of Dubuque, was unanimously appointed President of the Council.

Mr. HEMPSTEAD was then conducted to the Chair by Messrs. Coop and Leffler.

Whereupon he addressed the Council in the following appropriate language:

Gentlemen of the Council:--To say that I am deeply gratified for the honor which you have been pleased to confer upon me by se-

lecting me to preside over your deliberations, is but a feint expression of the feelings of my heart towards the members of this body, for their kindness, and for which I now tender you my sincere thanks.

As your presiding officer, it will be my duty to preserve order, and aid you in conducting the important business which may come before you.

And may our conduct be such as to promote harmony and good will towards each other, and tend to the happiness and prosperity of the people, whom we have the honor to represent.

On motion of Mr. Summers,

Ordered, That J. F. Kinney, Esq., of Lee county, be appointed Secretary of the Council.

On motion of Mr. Coop,

Ordered, That Lemuel Parkhurst, Esq., of Scott county, be appointed Assistant Secretary.

On motion of Mr. Brattain,

Christopher Wilson, Esq., of Van Buren county, was appointed Sergeant-at-Arms.

On motion of Mr. Abbe,

Mr. J. R. Hartsock, of Johnson county, was appointed Messenger.

On motion of Mr. Leffler,

Ordered, That Mr. John Loughary, of the county of Des Moines, be appointed Fireman.

The officers then came forward and were duly sworn to discharge the duties faithfully of their respective offices, and entered upon their duty thereupon.

On motion of Mr. Coop,

Resolved, That the following be the Standing Committees of the Council:

On the Judiciary.

“ Finance.

“ Internal Improvements.

“ Military Affairs.

“ Roads.

“ Schools.

“ Territorial Affairs.

“ Public Buildings.

On Elections.

“ Engrossed Bills.

“ County Boundaries.

“ Claims.

“ Agriculture.

“ Enrolled Bills.

“ Expenditures.

“ Incorporations.

Mr. Hastings, according to previous notice, and leave being granted, introduced

No. 2, C. F. “A Bill concerning the rights of married women,”

Which was read a first time, and ordered to be printed.

On motion of Mr. Summers,

Ordered, That a committee of two be appointed to inform the House of Representatives, that the Council is now organized, and ready to proceed to business.

Whereupon, Messrs. Summers and Coop were appointed said committee.

On motion of Mr. Coop,

Resolved, That all the pro tem. officers be allowed the sum of nine dollars each for their attendance on the Council during the temporary organization of the same, and that the Secretary of the Territory be authorized to pay the same out of any money not otherwise appropriated.

Mr. President announced the following named gentlemen to compose the Standing Committees of the Council, to wit:

On the Judiciary—Messrs. Shelby, Leffler, and Hastings.

On Finance—Messrs. Brierly, Ross, and Abbe.

On Internal Improvements—Messrs. Hastings, Stephenson, and Brattain.

On Military Affairs—Messrs. Coop, Hastings, and Bradley.

On Schools—Messrs. Summers, Stephenson, and Leffler.

On Roads—Messrs. Coop, Abbe, and Brierly.

On Elections—Messrs. Abbe, Stephenson, and Thompson.

On Territorial Affairs—Messrs. Leffler, Summers, and Bradley.

On Engrossed Bills—Messrs. Summers, Brattain, and Ross.

On County Boundaries—Messrs. Thompson, Coop, and Abbe.

On Claims—Messrs. Ross, Shelby, and Brierly.

On Agriculture—Messrs. Thompson, Stephenson, and Abbe.

On Expenditures—Messrs. Bradley, Coop, and Stephenson.

On Incorporations—Messrs. Shelby, Ross, and Coop.

On Enrolled Bills—Messrs. Summers, Lettler, and Hastings.

On motion of Mr. Summers,

Ordered, That a committee of two be appointed on the part of the Council to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that the two Houses are now organized, and ready to receive any communication which he may have to make to them.

Whereupon, the President appointed Messrs. Summers and Abbe said committee.

Messrs. Morgan and Munger, a committee from the House, being announced, informed the Council that the House of Representatives was now permanently organized, and ready to proceed to business.

The committee then retired.

Mr. Coop gave notice, that he would, on some day hereafter, ask leave to introduce

A Bill to amend an act, providing for and regulating general Elections.

Mr. Hastings, agreeable to previous notice, and leave being granted, introduced

No. 3, C. F. A Bill to amend an act, entitled "An Act relative to Divorce, Allimony, and other purposes,"

Which was read a 1st time.

On motion of Mr. Bradley,

Resolved, That the Secretary of the Council be authorized to make arrangements with the Postmaster in Iowa City for the payment of postage on letters and papers to and from the members of the Council during the present session.

Mr. Hastings offered the following resolution:

Resolved, That the committee on Agriculture be instructed to inquire into the expediency of so amending the "Act regulating the keeping of Stallions and Jacks, and to improve the breed of horses," as to cause the same to apply to any seed horse or jack of the age of one year and upwards.

A motion was made by Mr. Abbe to amend said resolution so as to include "Boars and Rams" after the word "Jacks."

To which the Council agreed.

The question then being taken on the adoption of the resolution as amended,

Was decided in the affirmative.

Mr. Abbe offered the following:

Resolved, That the per diem of the officers of the Council be three dollars per day for the session.

On motion of Mr. Summers,

Ordered, That said resolution be laid upon the table.

No. 1, C. F. "A Bill to amend an act for assessing a Territorial Tax, and for other purposes," was read a second time.

A motion was made by Mr. Hastings to amend said bill, by inserting the word "Territorial" before the word "Taxes," in last line of 2nd section.

To which the Council agreed.

On motion of Mr. Abbe,

Ordered, That said bill be referred to the Committee of the Whole Council, and made the order of the day for to-morrow.

On motion of Mr. Coop,

Resolved, That a committee of three be appointed on the part of the Council to act with a similar committee on the part of the House of Representatives, for the purpose of framing the necessary rules to regulate the intercourse of the two Houses.

Messrs. Coop, Leffler, and Summers, were appointed said committee.

On motion of Mr. Coop,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Coop gave notice, that he would, on some future day, ask leave to introduce,

A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa.

Mr. Hastings, chairman of the committee on Internal Improvements, reported

No. 4, C. F. "A Bill to amend an act regulating interest on money," approved, 9th February, 1843;"

Which was read a first time.

A motion was made by Mr. Hastings, that the usual number of copies of said bill be printed.

The motion was lost.

The President laid before the Council the following Message from his Excellency, JAMES CLARKE, Governor of Iowa Territory.

GENTLEMEN OF THE COUNCIL AND OF THE
HOUSE OF REPRESENTATIVES:

With less than a fortnight's notice of my appointment to the discharge of the Executive duties, during the greater portion of which brief period I have been prostrated by sickness, I find myself called upon, as a co-ordinate branch of the Legislature, to communicate with you in relation to such subjects, both of a local and general character, as in my judgment are deemed to have a bearing upon the common interests of the people of Iowa. Deprived, as I thus have been, of the time and opportunity essential to the proper discharge of this duty—cut off from all opportunity of investigation into past legislation, so as to be enabled to recommend remedial action where defects might be found to exist—denied, even, it may be said, time sufficient for common reflection—I have great reason to fear that many subjects will be passed over in this communication, which, upon a more ample survey of the public wants and requirements, would have been pressed upon your attention. The regret, however, which I feel in anticipation of such a discovery, is materially abated by the knowledge that your action can in no wise be affected by the omission. Happily for the people, their Representatives in the discharge of their duties as Legislators, are not necessarily governed by Executive recommendations; neither are they precluded from considering, and acting upon any subject by Executive omission.

You assemble, Gentlemen, under auspicious circumstances. Peace pervades the land and plenty every where abounds. The earth, during the season just past, has been unusually abundant in its yield, both externally and internally. From its face, the husbandman has gathered bountiful crops, which he is enabled to dispose of at something more than a living profit; while more than ordinary success has attended the labors of that adventurous, and not incon-

siderable portion of our citizens, whose avocation it is to search for, and bring to light, the rich treasures which are concealed beneath. Labor, though still commanding less than could be desired, finds ready employment; and industry, plied with ordinary skill and perseverance, fails not of securing the necessities, and even the comforts of life. These are blessings of inestimable value; but I much regret that, in enumerating them, I am compelled to omit that most important of all blessings which can be vouchsafed to any people—the prevalence of general health. The people of Iowa have suffered severely from sickness the past season; nor is it any consolation to them to know that their fellow citizens in all the western States have been similarly visited, except so far as it establishes the fact that there is nothing in our soil or climate *peculiarly* favorable to disease. Bowing in humble submission to the affliction, our duty would remain but half discharged, did we forget to return our grateful and fervent thanks to that Providence which rules over all things, and from which all good emanates, for the manifold blessings we have been permitted to enjoy.

Since your adjournment in June last, a most important question has been decided by the people, the effect of which is to throw us back where we originally commenced in our efforts to effect a change in the form of government under which we at present live, I allude to the rejection of the Constitution at the August election. This result, however brought about, in my judgment, is one greatly to be deplored. That misrepresentation and mystification had much to do in effecting it, there can be no doubt; still it stands as the recorded judgment of the people; and to that judgment, until the people themselves reverse the decree, it is our duty to submit. Having from absence and indisposition, been denied all opportunity of ascertaining public feeling at present in relation to this subject, I do not feel prepared to urge upon the Legislature any particular course of conduct to be pursued. The members themselves come fresh from the people, and are presumed to be advised of the wishes of their constituents as to what action, if any, should be had in reference to the question. Being thus advised, they will doubtless adopt such measures as are called for by the public sentiment, and adhering, as I do, to the opinion long entertained and frequently expressed, that the prosperity of Iowa would be greatly advanced by her speedy incorporation into the Union as a State, it affords me great pleasure to assure you that whatever steps may be taken by you, looking to

that desirable result, and in my judgment calculated to effect it, will receive my hearty co-operation.

The increase in the population of Iowa within the last year may be assumed with great confidence to have exceeded that of any former year. The rapidity with which settlements have extended back is truly astonishing. From the narrow strip of country purchased in 1832, some forty miles in width, extending up and down the Mississippi, and upon which the first settlements were made, we have seen our Territory extend itself on the West, step by step, until its limits approach to within a short distance of the Missouri river, if, indeed, that point be not already gained.

In accordance with the stipulations contained in the treaty negotiated by my predecessor in office in 1842, the Sac and Fox Indians, early in the past fall, quietly and peaceably abandoned the whole of the country owned and occupied by them in Iowa, and proceeded to the new home provided for them by the government, lying South and West of the Missouri. A vast country, much of which is described by those who have been over it as exceedingly valuable, is thrown open to settlement; emigrants are already seeking it; and in a year from the present time, judging the future by the past, a population amounting to many thousands may be expected to be scattered over its face. In view of this reasonable anticipation, I respectfully recommend the division of the newly acquired district into counties of such size as shall comport with the judgment of the Legislature, to be attached to the counties most contiguous to them which are organized. It will probable be found too, upon inquiry, that some of the counties at present laid out, but not yet organized contain inhabitants enough within their limits to support county governments of their own; and if so, provision should be made for their speedy organization.

While alluding to the subject of the extension of our organized Territorial limits, it is proper that I should refer to the failure of the attempt made by the government in August last to purchase from the Winnebagoes the country at present occupied by them, known as the "Neutral Ground;" and, in the same connexion, also make mention of the recent visit of a delegation of Pottawatamie chiefs to Washington for the avowed purpose of entering into negotiations with the government for the relinquishment of their title to all the lands belonging to them lying within our borders. The Winnebagoes, it would seem, entertain an insuperable objection to removing

beyond the Missouri river, the region designated as their future residence in all the propositions of purchase which have heretofore been submitted to them by the government. Three several attempts to treat have been made within as many years, and all attended with equally ill success, the chief obstacle upon each occasion being the one already alluded to. The Indians are not understood to be particularly wedded to the country now inhabited by them; but having ever resided in the North, their feelings and prejudices are all against emigrating South. Could a new home be provided for them in the North, I have good reason to believe that little or no difficulty would be experienced in inducing them to remove to it; but until some step of the kind is taken all our efforts to extinguish the Winnebago title to their lands may be expected to result in failure.— The Sioux nation of Indians own a vast and extensive region of country bordering on the Mississippi, and running up near to its head waters, a portion of which, sufficiently extensive for the Winnebagoes to hunt and reside upon, it is believed the government might obtain at a comparatively trifling expenditure. The aversion of the Indians to going South being well known to those who exercise the control of the Indian Department, may we not look for, and should we not solicit a change of policy in this particular? The subject being one of the first importance to the people of Iowa at large, but more especially to that portion of them who reside in the counties bordering on the Indian lands, some expression of the views entertained by the Legislature in relation to it would seem to be called for. The result of the visit of the Pottawatamie delegation to Washington has not yet transpired, but I entertain strong hopes that it will prove to be all we desire.

The question of boundary between the State of Missouri and this Territory still remains unsettled; but I am happy to inform you that no collision of a serious character has taken place in consequence of the dispute since your adjournment. The continuance of this amicable state of things is greatly to be desired. While no conceivable good could possibly result to the claim of either party from rupture and open conflict, much evil would inevitably ensue to both. As one of the parties to the dispute, however, it is our duty to lend all our assistance in furthering the speedy adjustment of the question in such manner as may be agreed upon; and as Missouri has indicated her willingness to submit the question to the decision of the Judicial tribunals of the country, I know of know bet-

ter course to pursue than that recommended by my predecessor, in one of his latest official communications to the Legislature, viz: to memorialize Congress for the passage of a law which will enable the Territory to go into the Supreme Court as a party in the case. The absence of sovereignty, it is held by those who have investigated the subject, cuts us off from the privilege at present. True, the issue can at once be made up as soon as we are admitted as a State; but should Congress respond favorably to our request at its present session, it is probable the question would be finally put to rest even while we remain a Territory.

A subject of deep importance to a large and enterprising portion of our citizens, and one in relation to which the Legislature should not fail to speak out, is the disposition by the general government of the mineral lands lying in this Territory and elsewhere. The system which at present prevails of leasing these lands, is justly obnoxious to those engaged in the uncertain occupation of mining, and should be abolished at the earliest possible day. Unlike some of the despotic establishments of the old world, where excess of tribute is extorted from the people under almost every imaginable plea, in this country we have a government which aims at the happiness of the governed; and when this happiness is most equally and most generally diffused, then may the government be said to have best performed the object for which it was instituted—then it is strongest. It would be a gross perversion of the spirit of our institutions were the government, as proprietor of our vast landed domain, to refuse to sell any portion of such domain to individual purchasers; but, transforming itself into a grasping landlord, would require of every settler who might go upon the lands and cultivate them, the payment of a certain per cent., upon all the products raised by him, as rent. And yet, such is precisely the operation of the system now pursued in relation to the mineral lands; the government not only refuses to relinquish its interest in them, but it extorts a heavy tax from all who work them. Instead of aiding and encouraging the enterprise of the citizen, the effect of the policy is to cripple his energies and palsy his industry. I conceive the whole system to be eminently unjust in its bearing upon a large number of the inhabitants of this Territory, and hope soon to have the pleasure of witnessing its overthrow. It is the opinion of intelligent men who have had opportunities of advising themselves on the subject, that the labor employed in the business of mining is worse paid for, in

the aggregate, than that employed in any other branch of industry. Men toil for years frequently, without meeting with the slightest encouragement; and if, in the end, success crowns their perseverance, the government, like a hard task-master, immediately steps in and wrests from them such a portion of their hard earnings as it may suit its convenience to demand. The best course, undoubtedly—best for the government, and best for the miner—would be to sell the lands as other lands are sold, varying only in the particulars of quantity and price, which might easily be regulated to the satisfaction of all. An expression of opinion by you, Gentlemen, on this important subject, at the present time, could scarcely fail of being attended with salutary results, particularly, as it is understood, a revision and modification of the system will be attempted this winter.

The improvement, by slackwater or otherwise, of that most beautiful of all rivers, the Desmoins, is a subject in which deep interest is felt by our fellow-citizens, residing in the Western and Southern counties. Coursing, as it does, through a very fertile and densely populated portion of the Territory, this stream once rendered susceptible of steam navigation, would soon become the thoroughfare for a vast amount of inland trade. The practicability of so improving it is generally conceded; but being destitute ourselves of the means necessary to its accomplishment, the question at once presents itself, "how, and at whose expense, is the work to be done?" At present we have but one resource to turn to, and that is the general government. Grants of land have been made in several instances by Congress to works of infinitely less importance; and for any reasonable donation of this kind to the improvement in question the government might safely calculate upon being speedily reimbursed, in the increase of its receipts from the lands lying contiguous to the river. A memorial to Congress, setting forth the subject in its proper light, might possibly receive a favorable reception at the hands of that body. Whether or not such a memorial shall be adopted, is for you to say.

The rapid accumulation of the public debt of the Territory is beginning to attract the attention of the people, who, as the period approaches at which they expect to be called on to support the expenses of a state government, naturally seek to advise themselves of the extent of the burthens they are about to assume. That our liabilities, with our legislative and judicial expenses borne by the general government, should have reached their present aggregate, is truly

unaccountable. What is past, however, cannot be repaired; we can only guard against the augmentation of the debt in future. To do this effectually, it will be necessary to institute a more rigid system of inquiry and investigation into the justness and legality of claims brought against the Territory than has heretofore prevailed. It will also be found, upon examination, that under our laws there are some items of expenditure chargeable to this fund which might be either diminished, or totally done away with, without serious detriment to the public interests; and in all such cases I take it for granted, the proper corrective will be applied. If possible, also, some measures should be adopted to ensure the more regular payment of the Territorial tax into the treasury by the county collectors, much delay and irregularity in this particular having heretofore prevailed.

The reports of the Auditor of Public Accounts, Commissioner of Public Buildings, and Warden of the Penitentiary, not being yet before me, I am unable to communicate to the Legislature any information in relation to those subjects which it is not already in possession of. These documents will doubtless be forthcoming at the proper time; and at a day early enough to admit of such action in reference to them as in your judgment will best advance the public interests.

The evils of over legislation are so generally acknowledged, that any attempt by me to impress the important truth upon your minds, would justly be looked upon as supererogation. At the same time that we concede the evil, however, we have not avoided running into it; for perhaps no community ever suffered more severely from the cause in question, than have the people of Iowa.—Stability in the laws (presuming them to be wisely framed) is of the utmost importance to those for whose benefit they were enacted; but with us, few enactments are permitted to remain long enough on the statute book to permit their wisdom to be tested. The magnitude of the evil is felt and complained of by the public; and I should feel that part of my duty had been omitted, did I pass by the subject without, in some manner, alluding to it. In view of our admission into the Union as a State at an early period, the fewer the changes made in our statute book, the better. Acts of pernicious tendency, it is true, should not be permitted to remain in existence after being tested and condemned by time; but the point to be avoided is, legislation for legislation's sake. I trust and believe

that the legislature will be found to entertain views on this subject similar to my own; and that, animated by wise counsels and patriotic considerations, it will limit its action to such subjects only as are of pressing importance, and are conceded to require the interposition of the law.

Economy in the expenditures of the fund set apart by Congress for the Legislative expenses of Iowa is of the first importance, and cannot be too rigidly practised. The appropriation being amply sufficient, as I conceive it to be, after paying off all the arrearages of the May session, to defray the expenses of a session of such duration as the public wants require, we should incur a heavy load of responsibility indeed, were we to contract an excess of liabilities, especially as such excess would inevitably fall upon the Territorial treasury, and would thus be made to swell the load of debt, already sufficiently large, which the people will be required to assume upon the organization of a State Government.

I avail myself of the opportunity to say, in conclusion, that it will afford me great pleasure to co-operate with the Legislature in all measures calculated to exert a favorable influence upon the destinies of our Territory, and the happiness of its people. Uniting, as we undoubtedly shall, in our efforts to effect so desirable a result, my sincere prayer is that we may not be disappointed in our anticipation of the effect of our works.

JAMES CLARKE.

December 3, 1845.

The Message was then read.

On motion of Mr. Bradley,

Ordered, That twenty-five hundred copies of the Message be printed.

Mr. Bradley gave notice, that he would, on some future day, ask leave to introduce

A Bill to establish a Seminary of Learning in Jackson county, to be called the "Maquoketa Academy."

Mr. Hastings, from the Committee on Internal Improvements, on leave being granted, reported

No. 5, C. F. "A Bill to amend an act to allow and regulate the action of Rights;"

Which was read a first time.

Ordered, That said Bill be read a 2nd time, and referred to the Committee of the Whole Council on to-morrow.

On motion of Mr. Bradley,

Ordered, That Mr. Summers be added to the Committee appointed on yesterday, to take into consideration the subject of a new apportionment.

On motion of Mr. Hastings,

Resolved, That the Hon. JESSE WILLIAMS, Secretary of the Territory, be requested to furnish the Council with a statement of the present amount of Legislative expenses unpaid, and the amount appropriated by the Congress of the United States to defray the expenses of the past and present Legislative Assemblies, and with any communications he may have from the Treasury Department on the subject.

On motion of Mr. Shelby,

The Council adjourned until to-morrow morning, at 10 o'clock.

Thursday Morning, December 4, 1845.

Mr. Summers presented the claim of James D. Bourne, of Clinton county, on the Territory for services rendered as Agent in demanding of the Governor of Illinois the body of Johnson Butler, a fugitive from justice.

Ordered, That said claim be referred to the Committee on Claims.

Mr. Summers presented the petition of Joseph Hartley of Scott county, asking a Divorce from his wife, Ann Hartley, together with sundry other Documents on the subject.

Ordered, That said petition be referred to a Select Committee, together with the accompanying papers.

Whereupon Messrs. Summers, Hastings and Thompson were appointed said Committee.

Mr. Bradley presented the petition of sundry citizens of Jackson county, in relation to a certain Road leading from Bellview to Springfield, in said county.

Ordered, That said petition be referred to the Committee on Roads.

J. F. Kinney Secretary of the Council, reported that in accordance with a Resolution of the Council he had made the necessary and usual arrangement with the Post Master of Iowa City, relative to postage to and from the members of the Council.

No. 5. C. F. "A Bill to amend an Act to allow and regulate the action of Right," was read a second time.

Ordered, That said Bill be engrossed and read a 3rd time on to-morrow.

No. 4. C. F. "A Bill to amend an Act regulating Interest on money," was read a second time.

A motion was made by Mr. Hastings, that said Bill be engrossed and read a third time on to-morrow.

And the question being put, was decided in the negative.

Yeas 5 Nays 6.

Those who voted in the affirmative were, Messrs. Abbe, Bradley, Hastings, Summers and Thompson, 5.

Those who voted in the negative were, Messrs. Brattain. Coop, Leffler, Ross, Shelby, and Mr. President, 6.

So the motion was lost.

On motion of Mr. Hastings,

Ordered, That said Bill be laid upon the Table, subject to the order of the Council.

No. 1. C. F. "A Bill to amend an Act for assessing a Territorial Tax," being the order of the day;

The Council proceeded to consider the same, as in Committee of the Whole; Messrs. Leffler in the Chair. After some time spent therein, the Committee arose and reported the same back to the Council with amendments.

To which the Council agreed.

On motion of Mr. Shelby,

Ordered, That said Bill be referred to the Committee on Finance.

No. 3. C. F. "A Bill to amend an Act relative to Divorce, Alimony, and other purposes," was read a second time, and

On motion of Mr. Hastings,

Ordered, To be engrossed for a third reading on to-morrow.

On motion of Mr. Abbe,

Ordered, That a Committee of three be appointed to prepare rules for the Government of the Council during the present session.

Messrs. Abbe, Shelby, and Leffler were appointed said Committee.

Mr. Hastings offered the following:

Resolved, That the Rev. Mr. Wood have the use of the Council Chamber each Sabbath, during the present session, for religious services.

A motion was made by Mr. Thompson, to amend said resolution, by inserting the words, "and other Clergymen," after the name of Mr. Wood.

To which the Council agreed.

The question then being put on the adoption of the resolution as amended,

Was determined in the affirmative.

On motion of Mr. Coop,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Abbe, Chairman of the Select Committee appointed to prepare Rules for the government of the Council, reported the Rules of the last session, and recommended their adoption, and that twenty copies of the same be printed, with a list of the Standing Committees attached to each copy.

The Report was concurred in.

A motion was made by Mr. Summers, that a Committee be appointed on New Counties, in addition to the regular standing committees.

To which the Council agreed.

Whereupon, the President appointed Messrs. Summers, Thompson, and Brattain said Committee.

On motion of Mr. Leffler,

The Governor's Message was taken up, read, and considered.

On motion of Mr. Summers,

Ordered, That so much of the Governor's Message as relates to the Mineral Lands in the Territory, be referred to the Committee on Territorial Affairs.

On motion of Mr. Hastings.

Ordered, That so much of the Governor's Message as relates to the rejection of the Constitution by the people of the Territory, at

the last August Election, be referred to the Committee on Territorial Affairs.

On motion of Mr. Coop,

Ordered, That so much of the Governor's Message as relates to the navigation of the Des Moines River, be referred to the Committee on Agriculture.

On motion of Mr. Brattain,

Ordered, That so much of the Governor's Message as relates to the formation of New Counties, be referred to the Committee on New Counties.

On motion of Mr. Summers,

Ordered, That so much of the Governor's Message as relates to the Southern Boundary of the Territory, be referred to the Committee on the Judiciary.

On motion of Mr. Abbe,

Ordered, That so much of the Governor's Message as relates to the appropriation made by Congress to defray the expenses of the Legislative Assembly, be referred to the Committee on Expenditures.

On motion of Mr. Hastings,

Ordered, That so much of the Governor's Message as relates to the Public Debt and expenses of the Territory, be referred to the Committee on Finance.

On motion of Mr. Hastings,

Resolved, That the Committee on Agriculture be instructed to inquire into the best means of preventing the firing of the Prairies, and the destruction of property occasioned thereby; and that said Committee report by Bill or otherwise.

A motion was made by Mr. Abbe, that a Standing Committee be appointed on Indian Affairs.

The motion was lost.

On motion of Mr. Hastings,

Ordered, That so much of the Governor's Message as relates to the several tribes of Indians on the borders of the Territory, be referred to the Committee on Territorial Affairs.

On motion of Mr. Thompson,

The Council adjourned until to-morrow morning, at 10 o'clock.

Friday Morning, December 5, 1845.

Mr. Summers, Chairman of the Committee on Engrossed Bills, reported

No. 3, C. F. "A Bill to amend an act, entitled 'An act relative to Divorce, Alimony, and other purposes;'" and

No. 5, C. F. "A Bill to amend an act entitled 'An act to allow and regulate the action of Rights,'" as correctly engrossed.

Mr. Hastings, from the Committee on Internal Improvements, reported

No. 6, C. F. "A Bill to amend 'An act, providing for, and regulating, General Elections,'"

Which was read a first time.

Mr. Coop, agreeable to previous notice, and leave being granted, introduced

No. 7, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Which was read a first time.

A motion was made by Mr. Coop, that the usual number of copies of said Bill be printed.

And the question being put,

Was determined in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative, were Messrs. Bradley, Brattain, Coop, Hastings, Shelby, Thompson, and Mr. President.

Those who voted in the negative, were Messrs. Abbe, Leffler, Ross, and Summers.

So the Bill was ordered to be printed.

No. 3, C. F. "A Bill to amend an act entitled 'An act relative to Divorce, Alimony, and other purposes,'" and

No. 5, C. F. "A Bill to amend an act entitled 'An act to allow and regulate the action of Rights,'"

Were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion of Mr. Hastings,

No. 2. C. F. "A Bill concerning the rights of Married Women,"

Was taken up, read a second time, and referred to the Committee of the Whole Council, and made the order of the day for Monday next.

A motion was made by Mr. Hastings, that

No. 6, C. F. "A Bill to amend 'An act, providing for, and regulating, General Elections,' be now taken up and read a second time.

To which the Council agreed.

Said bill was then taken up, read a second time, and referred to the Committee on Elections.

Mr. Hastings, of the Committee on Internal Improvements, on leave, reported

No. 8, C. F. "A Bill to amend an act, entitled 'An act regulating Criminal Proceedings,' approved Jan. 4, 1839;

Which was read a first and second time, and

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the Committee on the Judiciary.

On motion of Mr. Hastings,

Ordered, That No. 4, C. F. "A Bill to amend an act, entitled 'An act regulating Interest on Money,'" be now taken from the table.

To which the Council agreed.

Said Bill was then taken up, and,

On motion of Mr. Coop,

Ordered, That said Bill be referred to the Committee on Internal Improvements.

A message from the House of Representatives, by Mr. Thompson, their Chief Clerk:

Mr. PRESIDENT—

I am directed to inform the Council, that the House have appointed Messrs. Wilson, Robertson, and Morgan, a committee on the part of the House, to act in conjunction with a similar committee on the part of the Council, for the purpose of framing the necessary rules to regulate the intercourse of the two Houses.

On motion of Mr. Bradley,

The Council adjournal until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Hastings, from the Committee on Internal Improvements, with leave granted, reported

No. 9, C. F. "A Bill to repeal an act entitled 'An act to organize and discipline the Militia,' " approved, June 7, 1845.

Which was read a first time.

A motion was made by Mr. Bradley, that said Bill be rejected by the Council.

And the question being put,

Shall the Bill be rejected?

It was determined in the affirmative.

Yeas 5—Nays 3.

Those who voted in the affirmative, were
Messrs. Bradley, Coop, Summers, Thompson, and Mr. President.

Those who voted in the negative, were
Messrs. Abbe, Hastings, and Ross.

So the Bill was rejected.

Mr. Coop, from the Committee appointed on the part of the Council, to prepare rules to regulate the intercourse of the two Houses, reported, that the Committee had had the subject under consideration, and instructed him to recommend for adoption the Joint Rules of the two Houses for the last session.

The Report was concurred in.

On motion of Mr. Coop,

Ordered, That the Joint Rules be printed and attached to the regular Rules ordered to be printed on yesterday.

On motion of Mr. Bradley,

The Council adjourned until to-morrow morning, at 10 o'clock.

Saturday Morning December 6, 1845.

On Motion of Mr. Hastings,

Resolved, That the Committee on the Judiciary be instructed to

investigate, and report the cause or causes of the many errors in the Laws of the last session of the Legislative Assembly, and the best means of rectifying the same, and whether it will or will not be expedient to cause the mutilated statutes of the last session with amendments to be printed among the laws of the present session.

Mr. Hastings of the Committee on Internal Improvements Reported.

N. 10. C. File, "A Bill to repeal all laws now in force, allowing compensation to Military officers in this Territory," which was read a first time.

Mr. Hastings, from the Committee on Internal Improvements, to which was referred,

No. 4. C. F. "A Bill to amend an Act entitled" An Act regulating interest on money" approved February 9th 1843; reported the same back to the Council with amendments.

To which the Council agreed.

Ordered, That said Bill be engrossed for a 3rd reading on Monday next.

Mr. Summers arose and announced in the following address, the death of Samuel R. Murray, Esq., of Clinton county, Assistant Secretary of the Council during the last session.

Mr. President—

It is with pain that I arise to announce to the Council the death of a friend and one of its late officers—Samuel R. Murray, Esq., late Assistant Secretary of this Body, is no more!—He departed this life at Dubuque on the 11th of September last, after a short painful illness, leaving a wife and two small children to mourn his untimely death. The deceased was a native of Waterford, Saratoga county New York, and studied law in Troy in that State. In the Summer of 1837 he came to the west to seek a new home in Iowa, and located at Camanche in Clinton county, where he continued to reside to the time of his death.

Mr. Murry had many warm friends in Clinton and Scott counties, and, indeed I may say, throughout the Territory. Having been placed upon the same ticket with him in the fall of 1838 for a seat in the other branch of the Legislature I became acquainted with, and from that time was on terms of intimacy with him to the day of his death, I always found him a true friend, and a young man who possessed many noble traits of character; "but death is fond of a shining mark", and in this instance has taken from us a

young man of fine promise, and business capacities. Though several months have elapsed since he occupied a seat at that Desk, it really seems to me as though it was but yesterday—snatched as he has been so suddenly to that world of spirits “from whence no traveller returns.” I hope, it will remind us all, of the certainty of death, that we may be also ready.

In testimony of the respect we have for the deceased, I move the adoption of the following resolutions:

Resolved, That as a mark of respect to the memory of Samuel R. Murray Esq., deceased, late Assistant Secretary of the Council, the members and officers of the Council wear the usual badge of mourning for thirty days.

Resolved, That the Council do now adjourn until Monday morning 10 o'clock.

The Resolutions were adopted, and the Council adjourned until Monday morning 10 o'clock.

Monday Morning, December 8, 1845.

Mr. Brierly, member of the Council from Lee county, appeared and took his seat; also, Mr. Stephenson, from Henry county.

Mr. Summers, Chairman of the Committee on Engrossed Bills, reported, that the Committee had examined, and found correctly engrossed,

No. 4. C. F. “A Bill to amend an Act entitled an act, regulating Interest on money,” approved, 9th February, 1843.

Mr. Abbe, from the Committee on Elections, to which was referred

No. 6, C. F. “A Bill to amend the act entitled ‘An act, providing for, and regulating, General Elections,’” reported the same back to the Council, and recommended the rejection of said Bill.

And the question being put,

Will the Council concur in the report of the Committee?

It was determined in the negative.

Yeas 3—Nays 9.

Those who voted in the affirmative, were
Messrs. Abbe, Summers, and Thompson.

Those who voted in the negative, were
Messrs. Bradley, Brattain, Brierly, Coop, Hastings, Leffler, Ross,
Shelby, and Mr. President.

So the report was not concurred in.

A motion was then made by Mr. Coop, to amend said Bill, by
adding the following as an additional section, to wit:

"That the manner of voting shall be by the electors approaching
the ballot box at any time when the poll is opened, and presenting
their tickets to one of the judges, who shall read the same to the
clerks, who shall, after writing down the name of the voter, set down
in columns opposite said voter's name, the votes he may cast in co-
lumns under the names of the persons for whom he may vote."

And the question being put on the amendment,

Was decided in the negative.

Yeas 4—Nays 9.

Those who voted in the affirmative, are
Messrs. Abbe, Bradley, Coop, and Mr. President.

Those who voted in the negative, are
Messrs. Brattain, Brierly, Hastings, Leffler, Ross, Shelby, Ste-
phenson, Summers, and Thompson.

So the amendment was disagreed to.

A motion was made by Mr. Coop, to strike out the second section
of said Bill.

And the question being put,

Was decided in the negative.

On motion of Mr. Summers,
Ordered, That said bill be laid upon the table.

Mr. Ross, of the Committee on Finance, to which was referred
No. 1, C. F. "A Bill to amend an act for assessing a Territorial
Tax, and for other purposes," reported the same back to the Council
with amendments.

To which the Council agreed.

On motion of Mr. Hastings,
Ordered, That said Bill be engrossed for a third reading on to-
morrow.

The President laid before the Council a communication from the
Secretary of the Territory on the subject of the appropriation made
by Congress to defray the expenses of the Legislative Assembly,

accompanied with communications from the Treasury Department, in compliance with a resolution passed by the Council on the 3d inst.

The communication was read, and,

On motion of Mr. Hastings,

Ordered to be printed, together with the accompanying correspondence.

No. 7, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Was read a second time.

On motion of Mr. Coop,

Ordered, That said Bill be referred to the Committee on Territorial Affairs.

A motion was made by Mr. Leffler, that the Committee on Territorial Affairs be composed of one member of the Council from each Electoral District, for the consideration of said Bill.

To which the Council agreed.

Messrs. Thompson, Abbe, Shelby, Stephenson, Ross, Coop, and Hastings, were added to said committee.

No. 10, C. F. "A Bill to repeal all laws now in force, allowing compensation to military officers in this Territory;"

Was read a 2nd time.

A motion was made by Mr. Hastings, to amend said Bill, by inserting the word "military," before the word "services," in the latter part of the 1st section.

The motion was agreed to.

Ordered, That said Bill be engrossed for a third reading on tomorrow.

No. 4, C. F. "A Bill to amend an act, entitled 'An act regulating Interest on Money,'" approved, Feb. 9th, 1843;"

Was read a third time.

Pending the question on the passage of the Bill.

The following message was received from the House of Representatives by Mr. Thompson their Clerk.

Mr. President—

I am directed to inform the Council that the House have passed No. 3. C. F. "A Bill to amend an Act entitled an Act relative to Divorce, Alimony, and other purposes," approved 20th January 1843, with the following amendment viz. "Strike out the enacting clause of the Bill."

The Council then resumed the consideration of No. 4. C. F. on its passage, and after debate,

The question was put;

Shall the Bill pass?

And determined in the negative.

Yeas 3, Nays 10.

Those who voted in the affirmative were Messrs. Bradley, Hastings, and Summers, 3.

Those who voted in the negative were Messrs. Abbe, Brattain, Brierly, Coop, Leffler, Ross, Shelby, Stephenson, Thompson, and Mr. President, 10.

So the Bill was not passed.

No. 2 C. F. "A Bill concerning the Rights of Married Women" being the order of the day, the Council Resolved itself into a Committee of the whole Council for the consideration of said bill, Mr. Coop in the Chair. After some time spent therein the Committee arose and by their chairman reported the Bill back to the Council with sundry amendments,

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on Wednesday next.

On motion of Mr. Ross

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 3. C. F. "A Bill to amend an Act entitled "An act relative to Divorce, Alimony and other purposes approved 20th January 1843." being returned from the House of Representatives with an amendment was taken up, the same read and concurred in.

Mr. Sumers, from the Committee on Engrossed Bills reported

No. 1. C. F. "A Bill to amend an Act for assessing Territorial Tax and for other purposes approved 15th February 1844" and

No. 10. C. F. "A Bill to repeal all Laws now in force allowing compensation to Military Officers in this Territory,"

As correctly engrossed

On motion of Mr. Bradley,

Ordered, That the petition from sundry citizens of Dubuque county, on the subject of a Territorial Road leading from Dubuque to Camp Atkinson be taken from the table and referred to the Committee on Roads.

Mr. Shelby, on leave being granted, introduced

No. 11. "A Bill to repeal an Act entitled "An act to postpone the Election of the members of the House of Representatives of the Territory of Iowa from August until April," which was read a first time.

On motion of Mr. Hastings,

The Council adjourned until to-morrow morning 10 o'clock P. M.

Tuesday Morning, December 9, 1845.

Mr. Stephenson presented the petition of sundry citizens of Henry county, asking the establishment of a Territorial Road leading from Fort Madison to Mount Pleasant, in Henry county.

Ordered, That said petition be referred to the Committee on Roads.

Mr. Stephenson, presented a petition from sundry citizens of the counties of Lee and Henry, praying the establishment of a Territorial Road from Franklin in Lee county, to Mount Pleasant in Henry County.

Ordered, That said petition be referred to the Committee on Roads.

Mr. Summers, from the Committee on engrossed Bills, reported, No. 2. C. F. "A Bill concerning the rights of Married Women." as correctly engrossed.

Mr. Shelby, Chairman on the Committee on the Judiciary, to which was referred No. 8. C. F. "A Bill to amend an Act, entitled an act regulating Criminal Proceedings, approved January 4th 1839," reported the same back to the Council with amendments.

To which the Council agreed.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, reported No. 12. C. F. "A Bill to amend an Act entitled "An act providing for the appointment of District Prosecutors, and defining their duties," which was read a first time.

No. 11. C. F. "A Bill to repeal an Act entitled an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April," was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 1. C. F. "A Bill to amend an Act for assessing a Territorial Tax and for other purposes," and

No. 10. C. F. "A Bill to repeal all laws now in force, allowing compensation to Military Officers in this Territory," were severally read a third time, passed and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

On motion, the Council adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr. Summers from the Committee on engrossed Bills reported. No. 8. C. F. "A Bill to amend an Act entitled "An act regulating Criminal proceedings, approved January 4th 1839." and

No. 11. C. F. "A Bill to repeal an Act entitled "An act to postpone the Election of the members of the House of Representatives of the Territory of Iowa from August until April." as correctly engrossed.

Mr. Brierly, on leave, presented the petition of Mrs. Frances E. Anderson of Nashville, Lee county, in relation to certain claims on the estate of her husband James Anderson deceased; also a claim on the Treasurer of the Territory of Iowa, in favor of said James Anderson.

Ordered, That said petition be referred to a select Committee. Messrs. Brierly, Summers, and Brattain, composed said Committee.

Mr. Brierly, on leave being granted, presented the petition of Eli Dow, a citizen of Lee county, praying a Divorce from his wife, Lucy P. Dow; also a statement from sundry citizens of said county in regard to the character and respectability of the said Eli Dow.

On motion, of Mr. Brierly,

Ordered, That said petition, with the accompanying statement, be referred to a select Committee.

Whereupon,

The President appointed Messrs. Brierly, Abbe, and Stephenson, said Committee.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning, 10 o'clock.

Wednesday Morning, December 10, 1845.

Mr. Ross presented a petition from sundry citizens of Washington county, asking the passage of a memorial to Congress for the establishment of a mail route through said county.

Ordered, That said petition be referred to a Select Committee.

Whereupon, Mr. President appointed Messrs. Ross, Brattain, and Bradley, said committee.

Mr. Shelby, from the Committee on the Judiciary, to which was referred a Resolution relative to the mutilated statutes of the last session of the Legislative Assembly, reported

No. 13, C. F. "A Bill to amend an act, entitled 'An act to prevent and punish the obstructions of Roads and Highways;'" also,

No. 14, C. F. "A Bill to amend an act, entitled 'An act for the organization of the county of Iowa;'"

Which were severally read a first time.

No. 12, C. F. "A Bill to amend an act entitled, 'An act providing for the appointment of District Prosecutors, and defining their duties;'"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 2. C. F. "A Bill concerning the rights of Married Women,"

Was read a third time, and,

On motion of Mr. Summers,

Ordered, That said Bill be laid upon the table, subject to the order of the Council.

No. 8, C. F. "A Bill to amend an act, entitled 'An act regulating Criminal Proceedings,'" approved Jan. 4, 1839;

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives of the passage of said Bill.

No. 11, C. F. "A Bill to repeal an act, entitled 'An act to postpone the election of the members of the House of Representatives of the Territory of Iowa, from August until April;'"

Was read a third time.

Ordered, That said Bill be committed to the Committee on Elections.

Mr. Shelby, on leave being granted, introduced,

No. 15, C. F. "A Bill supplementary to an act, entitled 'An act regulating the mode of taking Depositions, and to provide for the perpetuation of testimony.'" "

Which was read a first time.

Mr. Shelby, on leave given, introduced,

No. 16, C. F. "A Bill to amend an act, entitled 'An act to amend an act, to provide for assessing and collecting Public Revenue.'" "

Mr. Stephenson, on leave being granted, introduced

No. 17, C. F. "A Bill to regulate Interest on Money."

Mr. Stephenson, on leave being granted, introduced

No. 18, C. F. "A Joint Resolution for an appropriation to improve the Agency Road."

Said Bills and Resolution were severally read a first time.

Mr. Ross gave notice that on some future day he would ask leave to introduce

A Bill to amend an act entitled, 'An act establishing the price of Public Printing,' approved February 2d, 1843.

On motion of Mr. Shelby,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The following message was received from the House of Representatives, by Mr. Thompson, their Chief Clerk:

Mr. PRESIDENT—

I am directed to inform the Council that the House have passed No. 1. H. R. File, "A Bill to legalize Territorial and County Roads;" also,

No. 4, H. R. File, "Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to re-build the Bridge over Flint River, in Des Moines county."

In which the concurrence of the Council is requested.

No. 1, H. R. File, "A Bill to legalize Territorial and County Roads;" and

No. 4, H. R. File, "Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to rebuild the Bridge over Flint River, in Des Moines county;"

Were severally read a first time.

Mr. Summers, from the Committee on Engrossed Bills, reported No. 12. C. F. "A Bill to amend an act, entitled 'An act providing for the appointment of District Prosecutors, and defining their duties,'"

As correctly engrossed.

Mr. Abbe, from the Committee on Elections, to which was referred

No. 11. C. F. "A Bill to repeal an Act entitled 'An act to postpone the Election of the members of the House of Representatives of the Territory of Iowa from August until April.'"

Reported the same back to the Council with one amendment.

To which the Council agreed.

On Motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

On motion of Mr. Coop,
The Council adjourned until to-morrow morning, at 10 o'clock.

Thursday Morning, December 11, 1845.

Mr. Ross, from the Select Committee to which was referred a petition of sundry citizens, of Washington county, asking the passage of a Memorial to Congress for the establishment of a Mail Route in said county reported,

No. 19. C. F. "A Memorial to Congress on the subject of a Mail Route in Washington county;"

Which was read a first time.

Mr. Summers, from the Committee on Engrossed Bills Reported.

No. 11. C. F. "A Bill to repeal an Act entitled an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April,"

As correctly engrossed.

No. 13. C. F. "A bill to amend an Act entitled an Act to prevent and punish the obstructions of Roads and Highways."

No. 14. C. F. "A Bill to amend an Act entitled an Act for the Organization of the county of Iowa." and,

No. 15. C. F. "A Bill Supplementary to an Act entitled an Act regulating the mode of taking Depositions, and to provide for the perpetuation of Testimony,"

Were severally read a second time and ordered to be engrossed and read a third time on to-morrow.

No. 16. C. F. "A Bill to amend an Act entitled an Act to amend an Act, entitled an act to provide for assessing and collecting Public Revenue." Was read a second time.

On motion of Mr. Shelby,

Said Bill was amended by the addition of the following as a fourth section, to wit:

"It shall be the duty of the Clerk of the Board of County Com

missioners of each county in this Territory to prepare blank forms for the Assessor sufficient for his Assessment, ruled in complete order, which roll shall be ready for delivering to the Assessor on or before the first day of March in each year."

The Bill was then ordered to be engrossed for a third reading on to-morrow.

No. 17. C. F. "A Bill to regulate interest on money;"

Was read a second time.

A motion was made by Mr. Stephenson, that said bill be engrossed and read a third time on Monday next.

And the question being put, was decided in the affirmative.

Yeas 7—Nays 5.

Those who voted in the affirmative were

Messrs. Abbe, Bradley, Ross, Shelby, Stephenson, Thompson and Mr. President.

Those who voted in the negative, were

Messrs. Brattain, Brierly, Coop, Lettler, and Summers.

So the Bill was ordered to be engrossed for a third reading on Monday next.

The following Message was received from the House of Representatives by Mr. Thompson, their Clerk.

Mr. President:—

I am directed to inform the Council that the House have passed,

No. 6. H. R. File. "A Memorial to Congress for an appropriation to complete the Iowa Penitentiary."

No. 7. H. R. File. "A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern Boundary line;" and,

No. 11. H. R. File. "A Joint Resolution requesting one Delegate to procure an appropriation to improve the Des Moines River."

In which the concurrence of the Council is requested.

N. 18. C. F. "A Joint Resolution for an appropriation to improve the Agency Road," was read a second time.

On motion of Mr. Ross,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 1. H. R. File. "A Bill to legalize Territorial and County Roads" was read a second time.

Ordered, That said Bill be referred to the Committee on Roads.

No. 4. H. R. File "Joint Resolution instructing our Delegate in Congress to use his influence to get an appropriation to rebuild the Bridge over Flint River in Des Moines county,"

Was read a second time.

Ordered, That said Resolution be read a third time on Monday next.

No. 11. C. F. "A Bill to repeal an Act entitled "An act to postpone the Election of the members of the House of Representatives of the Territory of Iowa from August until April," and,

No. 12. C. F. "A Bill to amend an Act entitled "An act providing for the appointment of District Prosecutors, and defining their duties,"

Were severally read a third time, passed and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

No. 6. H. R. File "Memorial to Congress for an appropriation to complete the Iowa Penitentiary"

No. 7. H. R. File "A memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri in relation to the Southern Boundary line," and

No. 11. H. R. File "A Joint Resolution requesting our Delegate to procure an appropriation to improve the navigation of the Des Moines River."

Were severally read a first time,

Mr. Leffler asked leave of absence for Mr. Laughery, Fireman, until next Saturday week.

The Council granted leave.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning, 10 o'clock.

Friday Morning, December 12, 1945.

Mr. Summers, from the Committee on Engrossed Bills, reported
No. 13 C. F. "A Bill to amend an act entitled, 'An act to prevent
and punish the obstruction of Roads and Highways.'"

No. 14, C. F. "A Bill to amend an act, entitled 'An act for the
organization of the county of Iowa;'"

No. 15, C. F. "A Bill supplementary to an act, entitled 'An act
regulating the mode of taking Depositions, and to provide for the
perpetuation of Testimony;'"

No. 16, C. F. "A Bill to amend an act, entitled 'An act to amend
an act, to provide for assessing and collecting Public Revenue.'"

No. 17, C. F. "A Bill to regulate Interest on Money;" and

No. 18, C. F. "A Joint Resolution, for an appropriation to im-
prove the Agency Road;"

As correctly engrossed.

The President laid before the Council the report of the Treasurer
of the Territory;

Which was read, and being under consideration,

A motion was made by Mr. Summers, that 100 copies of the same
be printed.

And the question being put,

Was determined in the affirmative.

Yeas 8—Nays 4.

Those who voted in the affirmative, were
Messrs. Bradley, Brattain, Coop, Leffler, Shelby, Stephenson,
Summers, and Mr. President.

Those who voted in the negative, were
Messrs. Abbe, Brierly, Ross, and Thompson.

So the report was ordered to be printed.

No. 19, C. F. "A Memorial to Congress, on the subject of a mail
route in Washington county;"

Was read a second time, and,

On motion of Mr. Ross,

Ordered to be engrossed for a third reading on to-morrow.

No. 6, H. R. File, "Memorial for an appropriation to complete the Iowa Penitentiary;"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be laid upon the table.

No. 7, H. R. File, "A Memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line;"

Was read a second time.

On motion of Mr. Thompson,

Ordered, That said Memorial be referred to the Committee on Military Affairs.

No. 11, H. R. File, "A Joint Resolution, requesting our Delegate in Congress to procure an appropriation to improve the navigation of the Des Moines River;"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Resolution be referred to the Committee on Internal Improvements.

No. 13, C. F. "A Bill to amend an act, entitled 'An act to prevent and punish the obstruction of Roads and Highways.'"

No. 14, C. F. "A Bill to amend an act, entitled 'An act for the organization of the county of Iowa.'"

No. 15, C. F. "A Bill supplementary to an act, entitled 'An act regulating the mode of taking Depositions, and to provide for the perpetuation of Testimony.'"

No. 16, C. F. "A Bill to amend an Act entitled an act to amend an act to provide for assessing and collecting Public Revenue,"

No. 18, C. F. "A Joint Resolution for an appropriation to improve the Agency Road," and

No. 4, H. R. File "Joint Resolution instructing our Delegate to use his influence to get an appropriation to re-build the Bridge over Flint River in Des Moines county,"

Were severally read a third time, passed and titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Coop, from the Committee on Roads to which was referred

No 1. H. R. File. "A Bill to legalize Territorial and County Roads," on leave reported the same back to the Council without amendment, and recommended its passage.

The report was concurred in.

On motion of Mr. Summers,

Ordered, That said Bill be read a third time on to-morrow.

Mr. Stephenson offered the following:

Resolved, That the Committee appointed at the last session of the Legislature to examine into the affairs of the Penitentiary be requested to make a report of their action.

A motion was made by Mr. Shelby to amend said Resolution by adding the following to wit., "at as early a day as practicable."

To which the Council agreed.

The Resolution as amended was then adopted.

A motion was made by Mr. Stephenson, that the Council adjourn until 2 o'clock P. M.

The motion was lost.

A motion was made by Mr. Abbe, that the communications of the Secretary of the Territory be now taken from the Table.

To which the Council agreed.

Said communications were then taken from the table and referred to the Committee on Expenditures.

On motion of Mr. Leffler

The Council adjourned until to-morrow morning, 10 o'clock.

Saturday Morning, December 13, 1845.

Mr. Summers, from the Committee on Engrossed Bills reported No. 19. C. F. "A memorial to Congress on the subject of a Mail Route in Washington county,"

As correctly engrossed.

Mr. Coop, from the Committee on Roads to which was referred a petition from sundry citizens of Lee and Henry counties," reported No. 20. C. F. "A Bill to establish a Territorial Road from Fort Madison in Lee county to Mount Pleasant in Henry county."

Mr. Coop, from the Committee on Roads to which was referred a petition of sundry citizens of Lee and Henry counties, reported, No. 21. C. F. "A Bill to establish a Territorial Road from Franklin, in Lee county to Mount Pleasant, in Henry county."

Said Bills were severally read a first time.

No. 19. C. F. "A memorial to Congress on the subject of a Mail Route in Washington county."

Was read a third time.

On motion of Mr. Ross,

Ordered, That said memorial be referred to a select Committee.

Messrs. Ross, Summers, and Stephenson, were appointed said Committee.

A message from the House of Representatives by Mr. Thompson, their Clerk.

Mr. President—

I am directed to inform the Council that the House have passed,

No. 11. H. R. File "A Bill to vacate a part of the Territorial road from Wyoming to Moscow."

No. 12. H. R. File. "Memorial to Congress for an appropriation to continue the Military Road, leading from Burlington to Agency City."

No. 13. H. R. File. "Memorial in regard to the sale of the reserved Mineral Lands,"

In which the concurrence of the Council is requested,

They have also passed

No. 14. C. F. "A Bill to amend an Act, entitled an act, for the organization of the county of Iowa," also,

No. 18. C. F. "A Joint Resolution for an appropriation to improve the Agency Road."

No. 1. H. R. File, "A Bill to legalize Territorial and County Roads."

Was read a third time.

And the question being put,

Shall the Bill pass? It was decided in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative were,
Messrs. Bradley, Brierly, Coop, Leffler, Summers, Thompson,
and Mr. Bresident.

Those who voted in the negative, were,
Messrs. Brattain, Ross, Shelby and Stephenson.

So the Bill passed and the title was agreed to.

Ordered, That the Secretary notify the House of Representatives of the passage of said Bill.

No. 11. H. R. File, "A Bill to vacate a part of the Territorial Road from Wyoming to Moscow," and

No. 12. H. R. File, "Memorial to Congress for an appropriation to continue the Military Road from Burlington to Agency City."

Were severally read a first time.

No. 13. H. R. File, "Memorial in regard to the sale of the reserved Mineral Lands,"

Was read a first time.

A motion was made by Mr. Bradley that the usual number of copies of said memorial be printed.

And the question being put, was decided in the negative.

Yeas, 5—Nays, 6.

Those who voted in the affirmative, were,
Messrs. Bradley, Brierly, Leffler, Summers, and Mr. President.

Those who voted in the negative, were,
Messrs. Brattain, Coop, Ross, Shelby, Stephenson, and Thompson.

So the motion to print was lost.

A communication was received from his Excellency, James Clarke, Governor of Iowa Territory,

Said communication being on Executive business,

On motion of Mr. Summers,

The Council resolved itself into an Executive Session, for the consideration of said communication,

After some time spent therein, the Council resumed its regular session, and

On motion of Mr. Bradley.

The Council adjourned until Monday morning, 10 o'clock.

Monday Morning, December 15, 1845.

Mr. Coop offered the following:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing, at the present session, all laws now in force relative to the valuation of real and personal property taken on execution; and that said Committee report by Bill or otherwise.

The resolution was adopted.

Mr. Thompson, on leave, reported

No. 22, C. F. "A Bill to prevent the firing of Prairies;"

Which was read a first time.

Mr. Summers, from the Select Committee to which was referred a petition on the subject, reported

No. 23, C. F. "A Bill to divorce Joseph Hartley from his wife Ann Hartley;"

Which was read a first time.

On motion of Mr. Summers,

Ordered, That a Committee of two be appointed on Enrolled Bills, to act in conjunction with a similar Committee on the part of the House.

Messrs. Summers and Brattain were appointed said Committee.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

Mr. PRESIDENT—

I am directed to inform the Council, that the House have passed

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River, in the county of Clayton." Also,

No. 8, H. R. File, "A Bill to incorporate the Wappello Lyceum and Library Association."

In which the concurrence of the Council is requested.

I herewith present for your signature,

Joint Resolution, instructing our Delegate in Congress to use his

influence to get an appropriation to re-build the Bridge over Flint River, in Des Moines county.

The same having been signed by the Speaker,

The President then signed said Resolution.

Mr. Leffler, on leave being granted, introduced
No. 24, C. F. "A Bill to incorporate the Danville Academy;"
Which was read a first time.

On motion of Mr. Leffler,

Ordered, That the 13th Rule be suspended, and said Bill be read a second and third time now.

The Bill was then read a second and third time by its title, passed, and its title agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

No. 20, C. F. "A Bill to establish a Territorial Road from Fort Madison, in Lee county, to Mt. Pleasant, in Henry county;"

Was read a second time.

On motion of Mr. Stephenson,

Ordered, That said Bill be engrossed and read a third time on to-morrow!

No. 21, C. F. "A Bill to establish a Territorial Road from Franklin in Lee county, to Mt. Pleasant, in Henry county;"

Was read a second time.

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 11. H. R. File, "A Bill to vacate a part of the Territorial Road from Wyoming to Moscow;"

Was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be laid upon the table.

No. 12, H. R. File, "Memorial to Congress, for an appropriation to continue the Military Road leading from Burlington to Agency City,"

Was read a second time.

On motion of Mr. Coop,

Ordered, That said Memorial be read a third time on to-morrow.

A motion was made by Mr. Coop, to re-consider the vote taken on Saturday, on the motion to print the usual number of copies of

No. 13, H. R. File, "Memorial in regard to the sale of the reserved Mineral Lands;"

To which the Council agreed.

The question again being under consideration, to print the usual number of copies of said Memorial, and being put,

Was determined in the negative.

Yeas 5—Nays 6.

Those who voted in the affirmative, were Messrs. Bradley, Coop, Leffler, Summers, and Mr. President.

Those who voted in the negative, were Messrs. Abbe, Brattain, Ross, Shelby, Stephenson, and Thompson. So the motion to print was lost.

On motion of Mr. Summers,

Ordered, That said Memorial be referred to the Committee of the Whole Council, and made the order of the day for to morrow.

No. 17, C. F. "A Bill to regulate Interest on Money;"

Was read a third time.

Ordered, That said Bill be laid upon the table until Wednesday next.

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River, in the county of Clayton."

No. 8, H. R. File, "A Bill for an act to incorporate the Wapello Lyceum and Library Association;"

Were severally read a first time.

Mr. Ross, on leave being granted, presented the claim of A. P. Wood, for printing one hundred copies of the Catalogue of the Territorial Library.

Ordered, That said claim be referred to the Committee on Claims.

Mr. Leffler, on leave, presented the petition and claim of John H. McKinney on the Territory, for printing Proclamation of Ex-Governor Lucas, and sundry advertisements.

Ordered, That said petition and claim be referred to the Committee on Expenditures.

Mr. Hempstead, in accordance with previous notice, and leave being granted, introduced

No. 25, C. F. "A Bill to restrain unauthorized Banking;"

Which was read a first time.

On motion of Mr. Coop,

Ordered, That the usual number of copies of said Bill be printed.

Mr. Coop gave notice, that he would, on some subsequent day, ask leave to introduce

"A Bill to amend an act, entitled 'An act concerning Water Craft found adrift, lost goods, and estray animals.'"

Mr. Leffler gave notice, that he would, on some day hereafter, ask leave to introduce

"A Bill to authorize the Governor to appoint Commissioners to take acknowledgments of Deeds in foreign States and Territories.

On motion of Mr. Shelby,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Brierly, from the Select Committee appointed at the last session of the Legislative Assembly, to examine into the affairs of the Penitentiary of Iowa Territory, submitted the following Report:

The Committee who were appointed, by the Legislature at its late session of May and June, A. D. 1845, "to examine into the affairs of the Penitentiary," have attended to that duty as far as time, health, and a press of other business would permit, and respectfully beg leave to present the following imperfect report:

A majority of the committee met at Fort Madison on the first Monday in September, the time and place fixed upon by them previous to leaving Iowa City at the close of the legislative session in June last, (Mr. Brierly absent by sickness) your committee organized, and remained in session nine days, attending to the duties required of them, when they adjourned to meet again on the first Monday of October, hoping that in that time Mr. Brierly would be able to attend, but were again doomed to disappointment at the second session Mr. Brierly still being unable to attend. This was a source of regret, because Mr. Brierly, being the author of the resolution creating the committee, would have cleared up the doubts in the minds of your committee, as to whether it was the intention of the Legislature to have them examine into the affairs of the Penitentiary from

its first organization, or only during the time included in the last annual report of the Warden. Your committee finally came to the conclusion, that it would be safe, as well as answer all practicable purposes, to confine their examination almost exclusively to the time included in the last report of the keeper. In the first place, your committee have to make not a very favorable report of the condition of the prison buildings for the safe keeping of the prisoners. For, although there have been expended between forty-four and and forty-five thousand dollars upon the Penitentiary buildings, yet more than one-third of all the prisoners committed have made their escape, as the following abstract from the prison register will show. This register your committee do not pretend is complete, for the Warden informed them that there had been several commitments not registered, as well as escapes and discharges:

AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When Pardoned.
1 John Prichet,	February 24, 1840		March, 1840.	
2 Samuel Wilson,	May 7, 1840.	May 7, 1841.		
3 James Guy,	May 11, 1840.		June 4, 1840.	
4 Jacob Alden,	June 11, 1840.		August 12, 1840.	
5 James McCubbin,	May 11, 1840.		November, 1842.	
6 Benjamin Lewis,	April 3, 1840.	June 23, 1840.		
7 Samuel Conlays,	May 15, 1840.		August 12, 1840.	
8 Lester Wallow,	June 16, 1840.		Date not registered.	
9 John Howard,	July 18, 1840.	July 10, 1841.		
10 Samuel Green,	Sept. 14, 1840.		Date not registered.	
11 Bently Denison,	Sept. 14, 1840.		October 2, 1841.	
12 Ep'm. Whicher,	Sept. 26, 1840.	Sept. 26, 1841.		
13 Lewis Ayres,	Feb. 22, 1841.	May 22, 1841.		
14 Jas. Meredith,	March 10, 1841.	March 10, 1842.		
15 Thos. C. Bird,	May 6, 1841.			June 2, 1841.
16 Epm. Catterlin,	May 26, 1841.	May 26, 1842.		
17 Thos. Kinner,	Oct. 8, 1841.	Nov. 5, 1842.		
18 Henry Wright,	Feb. 26, 1842.		November 5, 1842.	
19 Washington Hyde,	Dec. 8, 1842.			
20 John Benson,	May 1, 1842,		October 28, 1842.	
21 Jacob Clement,	Oct. 10, 1842.		October 5, 1844.	
22 David Gibbs,	Oct. 13, 1842,		June 22, 1843.	
23 Wm. Printer,	Oct. 12, 1842.			
24 Geo. B. Parrish,	March 4, 1843.			June 24, 1843.
25 Charles Rowley.	March 4, 1843.			June 24, 1843.

AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When Pardoned.
26 William Evans.	March 4, 1843.			June 24, 1843.
27 Israel Spencer.	March 4, 1843.			June 24, 1843.
28 George W. Wallace.	April 19, 1843.	April 19, 1844.		
29 Rufus Monday.	April 25, 1843.	April 25, 1844.		
30 Hanson Wilson.	May 30, 1843.	May 30, 1844.		
31 Edmund Riley,	September 6, 1843.			
32 Jonathan Ward,	October 18, 1843.	October 18, 1844.		
33 Jesse Kilgore.	October 1, 1843.		July 12, 1844.	
34 Benjamin Daniels.	March 30, 1844.			
35 Payton Russel.	March 28, 1844.			February 11, 1845.
36 Waw-kow-cho-ni-kow,	June 9, 1844.			
37 Elijah Osborn.	August 15, 1845.			
38 William Hampton.	September, 1845.			
	Total, 38.	12.	13.	6.

This abstract shows the total number committed to be thirty-eight; discharged, twelve; escaped, thirteen; pardoned, six; now remaining in the Penitentiary, seven. Now, your Committee are of the opinion, that the great number of escapes may be fairly attributed to the want of good and sufficient buildings, well secured, and although, as before stated, there have been expended between forty-four and forty-five thousand dollars, enough in all conscience, to have erected a good and substantial prison; yet, so far as safe keeping, good government, and profitable employment of the prisoners are concerned, might as well not have been expended at all; for, as you have already learned from the last annual report of the Warden, the walls of the main building have been carried up only thirteen feet above the water tables, (for a better knowledge of which, we would refer you to the accompanying plan of the prison,) or a little more than one story high, with a temporary roof, part of which is made of long shingles or clapboards, in a very open manner, the balance or other part is made of common inch plank in a like open manner, which, in the opinion of your Committee, presents strong temptations to prisoners of ordinary sagacity, to attempt to make escapes. In fact, any prisoner of common cunning that could not get out of the prison, ought to be whipped out. And again, the want of convenient buildings, in which to employ the convicts at any labor profitable to the Territory, makes it necessary to employ them in some out-door labor, which has been the practice to some considerable extent—some at one job and some at another. Some in the timber, and some on the river's bank—some in one street, and some in another; so that any number of desperate prisoners would require an equal number of well armed men to guard and bring them safe back to the prison at night. In the opinion of your Committee it would be altogether superfluous on their part to make any estimate or recommend any sum as sufficient for finishing the buildings of the prison decently. Your honorable body is already as enlightened on that subject as the committee can be.

Besides, this mode of employing prisoners,—of bringing them into competition with the mechanic and day laborer, has, in its features, the most serious objections. In the opinion of your Committee, the objections are of such a serious nature, that it would be far better for the Territory to support them in idleness by direct taxation. For laborers and mechanics, those very respectable classes,

would leave any and every community before they would long submit to be put upon a level, or brought into competition with State prison convicts, and although few may profit by the system, (for the time being,) yet in the end, all must be losers; and any city or town where such a practice obtains, must be greatly checked in its progress to prosperity and wealth, if not entirely ruined. Statesmen of older States have long since known this to be the case, and are now making strenuous efforts to rid themselves of this evil; and, your Committee would suggest that it would well become the wisdom and sagacity of your honorable body to devise and adopt some system for the management of the Iowa Penitentiary, which shall check, if not entirely do away with this great and growing evil—a great source of bickering—thereby profiting by the experience of others.

In reference, to the expenses, which seem to have been the great object in organizing the Committee, we would say, that although the Warden was very polite and gentlemanly, giving all the information asked for, yet the books of the prison were kept in such a way that your committee (not being acquainted with the system) could not arrive at any thing definite by said books, and therefore had to resort to the powers in them vested, viz: of sending for persons—administering oaths, &c. Under this power several of the merchants and business men of Fort Madison were ordered to appear before the Committee, whose testimony in connection with the books of the prison, elicited this important fact, that a great quantity of meat, or what appeared to your Committee to be a large quantity, (considering the number of prisoners and the time in which said meat was consumed) had been charged to the Penitentiary. In said books there was charged to the Territory (calling one barrel 200lbs) five thousand and fifty-two pounds of beef, six hundred and sixty pounds of pork, besides two hundred and seventy-two hog's heads, which, (estimating one hog's head, equal to 8 pounds of common pork) makes seven thousand eight hundred and eighty eight pounds of meat furnished to six men in seventeen months, or at the rate of over three pounds of meat to each prisoner per day. This large amount seemed to call for some further investigation, and a former guard was called before the Committee, who under oath testified that he knew nothing of the amount of the meat consumed, and all he did know in reference to the matter, was, that the prisoners were great

meat eaters—tremendous meat eaters. Mr. Guthrie informed us that some of the meat was injured, which he had to throw away; your Committee thought that he ought to have taken it back to the merchant of whom he purchased it and made him lose it. A discharged prisoner appeared before the Committee and informed them that the prisoners were kept upon tainted meat for some time. But your committee accounted for some of this enormous consumption in the fact that the prisoners have access to the provisions whenever they choose.

Another reason why the expenses so far exceed the income of the prison may be found in the fact that the Warden charges a profit or per centum upon almost all of the articles furnished by him for the penitentiary. This beef, which was bought for \$5.50 per barrel, was charged to the prison at \$6.00—shoes that were purchased for from \$1.00 to \$1.25 were charged at from \$1.50 to \$1.75—common ticking pantaloons, the material of which cost not over 76 cts., were charged at \$2.00 per pair, and the greater part of these articles were purchased of merchants who received for pay the labor of the convicts at fifty cents per day.

This per centum or profit the Warden contended that he had a right to charge on account of the depreciation of the script issued, but your committee could not understand the merits of his reasoning.

And still another cause may be found in the pay of the guard which has been previously indirectly explained.

The means or rather the want of any means at all for the moral, religious or any other kind of instruction or improvement of the convicts, forms another item which your committee deem proper to notice here. So far as they can learn, there never has been any way provided, or system adopted for the reformation or instruction of the convicts. It seems almost to have been forgotten by the authorities of Iowa, that the great object of the prison and prison discipline of other States in the nineteenth century, is to reform, soften, and make better the unfortunate victim of bad passions and a hardened heart. For in our Territory, he is consigned to a loathsome cell, or is associated with companions seven fold more the children of hell than himself—with no stimulants to virtue he drags out miserably, his time in vice and debasing communications, when the small offender is turned loose upon community, an aban-

done and an accomplished villain. In view of such an evil result, your committee would recommend, that your honorable body provide some means for the religious and moral instruction of the convicts, and thereby obtain some of the benefits for which penitentiaries are instituted in other States.

And here your committee deem it proper to notice another evil in the present organization of the penitentiary system (if system it can be called,) we mean the practice of sending discharged prisoners away with nothing but their old prison clothes; creating the necessity of immediate crime, in order to hide their shame and also obtain more honest employment, for there are but few who will harbor or give employment to persons in tattered prison garments, let their intentions be ever so honest.

Your committee would therefore recommend that some steps be taken to furnish each prisoner, when discharged with a comfortable suit of clothes and the means to get where he can find some honest employment.

A correct estimate of the property belonging to the penitentiary was thought important to a proper understanding of the matter, in case the Legislature should deem it expedient to lease said penitentiary, as the resolution seemed to indicate. Your committee, therefore, with the assistance of the gentlemanly Warden, made out a complete list of all the property, tools, &c., belonging to the prison, to every article of which a value was fixed by the committee. This property is fast depreciating in value by exposure to the weather and *abstraction* for want of the proper buildings to store it in; in an especial manner is this the fact in regard to the rock which forms an important item of debt and credit in the prison accounts.

This item consists of between fifty and sixty perch of stone, some of which lays scattered about the prison yard, all slackened and crumbled in pieces, almost valueless to the Territory,—some on this bank of the river, and some on the other, and some at the quarry in Illinois, in all about sixty dollars worth, or would be, if proper care was taken to preserve what remains of it not yet abstracted or lost by any other process of nature or art.

The value fixed in the following inventory may not be in every particular the true one, but in the main will be found to answer all the purposes for which it is intended. The edged tools especially have been so exposed to damp and wet for want of suitable shelter,

that it would be difficult indeed, to arrive at anything like a correct estimate of their value.

Value of tools and materials belonging to penitentiary,

Blacksmith's Tools,	\$81 22
Cooper do.	51 37
Carpenters, do.	27 75
Quarrying, do.	6 81
Shoemakers, do.	1 50
Apparatus for raising rock,	60 00
Tools for getting wood,	10 00
Kitchen and Cell furniture,	14 12
Shaving tools,	1 00
Two Stoves and pipe,	15 00
Copper pump and pipe,	15 00
Instruments for safe keeping of prisoners,	12 00
Instruments for defence, one pistol,	3 00
Rock, as before mentioned,	60 00
Materials for making barrels,	36 62
Articles manufactured,	27 50
Old materials on hand,	7 25
Materials for finishing two cells,	11 00
Total,	\$441 44.

Finally if the present system be continued, your committee would suggest, that a different mode of book-keeping be adopted for the penitentiary. Not only should the Warden be required to keep a plain account—debt and credit of all articles furnished—disposed of, or labor performed, but likewise show of whom purchased—to whom disposed; and for whom labor was performed, with proper vouchers in all cases where such can be obtained. Not that your committee would wish or intend to cast any reflection, whatever to the injury of the present Warden. But then such a requirement would do away with those suspicions that must necessarily attach to every public officer, where he does not produce the evidence of his doings, be his intentions as honest as they may.

But if the Legislature, in its wisdom, should deem it expedient to lease the penitentiary, then too much care and caution cannot be exercised to a proper disposal of the business, and in the opinion of your committee, the first and most important point to be settled

would be to obtain for a lessee a man perfectly responsible, able, and willing, to perform all that may be required of him—of good business habits and capacities. Next would be to require him to confine his operations (so far as the penitentiary was concerned) exclusively to that kind of business which shall least come into competition with the laborers and mechanics of the Territory, which cannot be too strongly guarded against.

Here your committee would beg indulgence for so frequently urging this point upon your notice, and they would have left it entirely to your more mature wisdom and better discretion, were it not for the frequent advice of a large number of the good citizens of this community.

So frequently have the committee been spoken to on this point, that they believe they are but conveying to your honorable body the will of a very large and respectable portion of your constituents.

In conclusion, your committee would say, that, as a practice to be continued and persevered in, they know of no argument in favor of the proposed plan of leasing the penitentiary. The subjection of a fellow being to the will and caprice of another, seems not in harmony with American sympathies and feelings. But the newness of the Territory—the state of its revenues—the prison debt and its probable increase—the want of any prison discipline or system, all concur in inducing us to recommend, that the penitentiary be leased for the term of from five to ten years, under such regulations as the Legislature in its wisdom may direct, provided a lessee can be obtained, who is able, capable, honest, and will comply with the conditions prescribed.

The committee have received one proposal for leasing the penitentiary which is herewith submitted. Since the above was written another proposal has been received, also submitted.

In the report of the Warden to the May session of the Legislature, will be seen an item in the account of the bill of property accumulated amounting to five hundred and eight dollars, which differs with the estimate of your committee to the extent of some one hundred and forty dollars, a difference which perhaps, may in part be accounted for in the consumption of provisions and the disposal of the raw materials for manufacturing as well as articles manufactured. This it will be seen by reference to the report of the Warden, will increase the aggregate of the penitentiary debt to the

amount of one hundred and forty dollars more than therein stated. And your committee would here deem it proper to notice another fact in the mode of doing business at the penitentiary. By an examination of the books of some of the merchants of Fort Madison it was found that there was charged to the penitentiary a large amount of articles, obtained by the Warden for his own private use. This also possibly may at some future day swell the debt of the Territory still more, and a guard against such a contingency would seem to be necessary for the future.

Said report was read, and,

On motion of Mr. Leffler,

Ordered, That the usual number of copies of the same be printed.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Council that the House have appointed Messrs. Morgan and Munger a Committee on Enrollments on the part of the House, to act with a similar Committee on the part of the Council.

I herewith present for your signature,

“An act to legalize Territorial and County Roads.”

The same having been signed by the Speaker of the House of Representatives.

The President then signed said Act.

Mr. Summers, from the Committee on Engrossed Bills, reported, No. 20, C. F. “A Bill to establish a Territorial Road from Ft. Madison, in Lee county, to Mount Pleasant, in Henry county.

No. 21. C. F. “A Bill to establish a Territorial Road from Franklin, in Lee county, to Mount Pleasant, in Henry county;”

As correctly engrossed.

Mr. Summers, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

“An act to amend an act, entitled ‘An act for the organization of the county of Iowa;’” and,

“A Joint Resolution for an appropriation to improve the Agency Road.”

Mr. Ross, on leave, introduced

No. 26, C. F. “Joint Resolution, relative to obtaining another Land Office;”

Which was read a first time.

Mr. Leffler, on leave, introduced

No. 27, C. F. "Joint Resolution, for the payment of the Committee appointed to examine the Penitentiary;"

Which was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said Resolution be referred to the Committee on Claims.

Mr. Brierly, from the Select Committee to which was referred the petition of Mrs. Anderson of Washington, Lee co., reported

No. 28, C. F. "A Bill for the relief of Mrs. Frances E. Anderson;"

Which was read a first time.

On motion of Mr. Thompson,

The Council adjourned until to-morrow morning, at 10 o'clock.

Tuesday Morning, December 16, 1845.

Mr. Ross, from the Select Committee to which was referred,

No. 19. C. F. "A Memorial to Congress on the subject of a Mail Route in Washington county;"

Reported the same back to the Council, with amendments

To which the Council agreed.

On motion of Mr. Ross,

Ordered, That said memorial be read a third time on to-morrow.

A message from the House of Representatives by Mr. Thompson their Clerk.

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Council that the House have passed

No. 13. C. F. "A bill to amend an Act entitled an Act to prevent and punish the obstructions of Roads and Highways," with one amendment.

In which the concurrence of the Council is requested.

Mr. President laid before the Council three communications con-

taining proposals for leasing the Penitentiary.

A motion was made by Mr. Summers that said communications be referred to the Committee on Territorial Affairs.

Pending which,

On motion of Mr. Brierly

Ordered, That said communications, be laid upon the table.

No. 22. C. F. "A Bill to prevent the firing of Prairies,"

Was read a second time.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 23. C. F. "A Bill to Divorce Joseph Hartley from his wife Ann Hartley,"

Was read a second.

Ordered, That said Bill be engrossed and read a third time on Thursday next,

No. 25 C. F. "A Bill to restrain unauthorized Banking,"

Was read a second time.

On Motion of Mr. Leffler,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 26. C. F. "Joint Resolution relative to obtaining another Land Office,"

Was read a second time.

Ordered, That said Resolution be engrossed and read a third time on to-morrow.

No. 28. C. F. "A Bill for the relief of Mrs. Frances E. Anderson,"

Was read a second time.

A motion was made by Mr. Brierly, to amend said bill, by striking out, in the first section, the word "at" and inserting the words "previous to."

The amendment was agreed to.

Ordered, That said bill be engrossed and read a third time on to-morrow.

A message from the House of Representatives by Mr. Thompson, their Clerk.

Mr. PRESIDENT—

I am directed to inform the Council that the House have passed a Resolution in the words following, to wit:

Resolved, (the Council concurring therein,) That the two Houses will adjourn on Saturday the 20th inst., until Thursday, the 1st day of January, 1846.

In which the concurrence of the Council is requested.

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr. to keep a ferry across the Mississippi River in the county of Clayton,"

Was read a second time, and

On motion of Mr. Summers,

The Council resolved itself into a committee of the whole Council for the consideration of the same, Mr. Brierly in the Chair.

After some time spent therein, the committee arose and through their chairman reported that they had, according to order, had said Bill under consideration, and had amended the same by striking out all after the enacting clause, and inserting a substitute therefor.

To which the Council agreed.

On motion of Mr. Shelby,

Ordered, That said Bill be referred to the committee on Incorporations.

No. 8, H. R. File, "A Bill for an act to incorporate the Wapello Lyceum and Library Association;"

Was read a second time.

On motion of Mr. Ross

Ordered, That said bill be read a third time on to-morrow.

No. 20, C. F. "A Bill to establish a Territorial Road from Fort Madison in Lee county to Mt. Pleasant in Henry county,"

Was read a third time, passed, and title agreed to.

No. 21, C. F. "A Bill to establish a Territorial Road from Franklin in Lee county, to Mt. Pleasant in Henry county,"

Was read a third time.

By unanimous consent of the Council

On motion of Mr. Coop,

The word "Wilson" was stricken out, and the word "Millison" inserted, in the first section of said Bill.

Said Bill was then passed, and title agreed to.

No. 12, H. R. File, "Memorial to Congress for an appropriation to continue the Military Road leading from Burlington to Agency City,"

Was read a third time, passed, and title agreed to

Ordered, That the Secretary notify the House of Representatives of the passage of the above Bills and Memorial.

No. 13. H. R. File, "Memorial to Congressin regard to the sale of the reserved Mineral Lands,"

Being the order of the day, the Council resolved itself into a committee of the whole Council for the consideration of the same.

After some time spent therein, the committee arose and through their Chairman reported the same back to the Council without amendment.

The report was concurred in.

Ordered, That said Memorial be read a third time on to-morrow.

No. 13, C. F. "A Bill to amend an act, entitled 'An act to prevent and punish the obstruction of Roads and Highways.'"

Being returned from the House of Representatives with an amendment, was taken up, and being under consideration,

On motion of Mr. Summers,

Ordered, That the Council disagree to said amendment.

The resolution passed by the House of Representatives requesting the concurrence of the Council in adjourning from the 20th inst. until the 1st day of January 1846, being under consideration,

On motion of Mr. Summers,

Ordered, That said Resolution be laid upon the Table until the first day of January next.

Mr. Bradley in accordance with previous notice and leave being granted reported,

No. 29, C. F. "A Bill to incorporate the Maquoketa Academy in Jackson county,"

Which was read a first time.

Mr. Leffler, in accordance with previous notice, and leave being granted, introduced

No. 30, C. F. "A Bill to authorize the Governor to appoint Commissioners to take acknowledgments &c. in foreign States and Territories,"

Which was read a first time.

Mr. Shelby, on leave being granted, introduced,

No. 31, C. F. "A Memorial to Congress for an appropriation to improve the navigation of the Des Moines River,"

Which was read a first time

On motion of Mr. Shelby,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A message from the House of Representatives by Mr. Thompson,
their Clerk.

Mr. PRESIDENT—

The House have passed

No. 12. C. F. "A Bill to amend an Act entitled an Act, providing for the appointment of District Prosecutors and defining their duties," with one amendment.

In which the concurrence of the Council is requested.

They have also passed,

No. 24, C. F. "A Bill to incorporate the Danville Academy,"

And then he withdrew.

A communication was received from his excellency, James Clarke, Governor of Iowa Territory by Mr. Reno.

On motion of Mr. Bradley.

The Council resolved itself into an Executive Session for the consideration of said communication.

After some time spent in consideration of the same, the Council resumed its regular session.

No. 12, C. F. "A Bill to amend an Act entitled an Act, providing for the appointment of District Prosecutors, and defining their duties,"

Being returned from the House of Representatives with an amendment, was taken up, the same read and concurred in by the Council.

Mr. Ross, from the Committee on Claims, to which was referred No. 27, C. F. Joint Resolution for the payment of the Committee appointed to examine the Penitentiary,"

Reported the same back to the Council with an amendment.

A motion was made by Mr. Leffler to amend the same, so as to allow Mr. Davis mileage from his residence to the Capital.

The motion was lost.

The question was then put on concurring in the report of the Committee,

And decided in the affirmative.

On motion of Mr. Summers,

Ordered, That said Resolution be engrossed and read a third time on to-morrow.

On motion of Mr. Shelby,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, December 17, 1845.

Mr. Summers asked leave of absence for Mr. Leffler, until Tuesday next.

Leave was granted.

Mr. Hastings offered the following:

Resolved, That the Council and House of Representatives adjourn on Saturday the 20th inst., until Monday the 29th inst., (the House concurring herein.)

Which was read a first and second time.

A motion was made by Mr. Abbe, that the 13th Rule be suspended and the Resolution be read a third time now.

Pending which,

Mr. Summers moved a call of the Council;

And the roll being called,

Mr. Stephenson was found to be absent.

Mr. Rose asked leave of absence for Mr. Stephenson.

Leave was not granted.

The Sergeant-at-Arms was then directed to require the attendance of the absentee.

In a short time the absentee appeared, and the Council resumed the consideration of the motion to suspend the 13th Rule.

Previous to the question being put,

A motion was made by Mr. Summers, to amend said Resolution by adding the following, to wit:

"Provided, That during the adjournment, the members and officers of the Council and House of Representatives shall *not* receive their per diem."

And the question being put,
Was determined in the negative,

Yeas, 6—Nays, 6.

Those who voted in the affirmative, were,
Messrs. Bradley, Brattain, Shelby, Stephenson, Summers, and Mr. President.

Those who voted in the negative, were,
Messrs. Abbe, Brierly, Coop, Hastings, Ross, and Thompson.
So the amendment was lost.

The question was then put on suspending the 13th Rule, and determined in the negative.

Yeas 6—Nays 6.

Those who voted in the affirmative, were,
Messrs. Abbe, Brierly, Coop, Hastings, Ross, and Thompson.

Those who voted in the negative, were,
Messrs. Bradley, Brattain, Shelby, Stephenson, Summers, and Mr. President.

So the Rule was not suspended.

Mr. Summers, from the Committee on Engrossed Bills, reported
Nos. 22, Council File,

" 23, " "

" 26, " "

" 27, " "

and " 28, " "

As correctly Engrossed.

Mr. Summers, from the Joint Committee on Enrolled Bills, reported
No. 24, Council File,

and " 12, " "

As correctly Enrolled.

Mr. Shelby, from the Committee on Incorporations, to which was referred

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River, in Clayton county;"

Reported the same back to the Council with an amendment, which is as follows: "Strike out, after the word years, in the 11th line, the words *"with exclusive privileges for one mile and a half above the*

corner above mentioned, and one mile and a half below said corner on said River."

And the question being put on concurring in said report,
Was determined in the affirmative.

Yeas 11—Nays 1.

The Yeas and Nays being demanded,

Those who voted in the affirmative, were,
Messrs. Abbe, Bradley, Brattain, Brierly, Coop, Ross, Shelby,
Stephenson, Summers, Thompson, and Mr. President.

Mr. Hastings voting in the negative.

So the report of the Committee was concurred in.

On motion of Mr. Coop,

Ordered, That said Bill be read a third time on to-morrow.

Mr. Thompson, from the Committee to which the same referred
reported,

No. 7, C. F. "A Bill to provide for the expression of the opinion
of the people of the Territory of Iowa upon the subject of the for-
mation of a State Constitution for the State of Iowa" back to the
Council with two amendments, to which the Council agreed.

A message from the House of Representatives by Mr. Thompson
their Clerk.

Mr. PRESIDENT:

I am directed by the House of Representatives to in-
form the Council that the House have passed

No. 5, C. F. "A Bill to amend an act, entitled an act to allow
and regulate the action of Right," approved, Dec. 29, 1838.

Also, with amendments,

No. 8, C. F. "A Bill to amend an act, entitled an act regulating
Criminal Proceedings," approved, Jan. 4th, 1839.

They have also passed,

No. 16, H. R. File, "A Bill to lay out and establish a Territori-
al Road from Oscaloosa to Knoxville."

In which the concurrence of the Council is requested.

The House have Indefinitely postponed

No. 6, C. F. "A Bill to amend an act, entitled 'An act to amend
an act, to provide for assessing and collecting Public Revenue.'"

I herewith return

"An act to amend an act, providing for the appointment of District
Prosecutors, and defining their duties;"

Which has been signed by the Speaker of the House of Representatives.

And then he withdrew.

On motion of Mr. Summers,

Ordered, That No. 7, C. F., in relation to the formation of a State Constitution, be made the order of the day in Committee of the Whole Council for Monday next.

No. 29, C. F. "A Bill to incorporate the Maquoketa Academy, in Jackson county,"

Was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 30, C. F. "A Bill to authorize the appointment of Commissioners to take acknowledgments, &c., in foreign States and Territories,"

Was read a second time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 31, C. F. "A Memorial to Congress, for an appropriation to improve the navigation of the Des Moines River;"

Was read a second time.

A motion was made by Mr. Summers, to amend said Memorial by striking out the words "by far," so as to read "and the most important stream in the Territory," in place of "by far the most important," &c.

And the question being put,
Was determined in the negative.

Yeas 6—Nays 6.

Those who voted in the affirmative, were
Messrs. Abbe, Bradley, Hastings, Ross, Summers, and Mr. President.

Those who voted in the negative, were
Messrs. Brattain, Brierly, Coop, Shelby, Stephenson, and Thompson.

Tee vote being a tie, the motion was lost.

On motion of Mr. Coop,

Ordered, That said Memorial be engrossed, and read a third time on to-morrow.

On motion of Mr. Summers,

Ordered, That No. 19, C. F. "Memorial to Congress, on the subject of a Mail Route, in Washington county," be engrossed for a third reading on to-morrow.

No. 22, C. F. "A Bill to prevent the firing of Prairies,"

Was read a third time, and,

On motion of Mr. Bradley,

Ordered, That said Bill be re-committed to the committee that reported the same.

No. 26, C. F. "Joint Resolution, relative to another Land Office."

No. 28 C. F. "A bill for the relief of Mrs. Frances E. Anderson."

No 3, H. R. File. "A Bill to incorporate the Wappello Lyceum and Library Association."

No. 13 H. R. File "Memorial in regard to the sale of the reserved Mineral Lands,"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 27, C. F. "Joint Resolution, for the payment of the Committee appointed to examine the Penitentiary,"

Was read a third time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to a Select Committee.

Messrs. Summers, Shelby, and Abbe, were appointed said Committee.

A motion was made by Mr. Hastings, to take from the table

No. 2, C. F. "A Bill concerning the rights of Married Women,"

To which the Council agreed.

Said Bill was then taken from the table, and

On motion of Mr. Hastings,

The 6th, 7th, and 8th sections of the same were stricken out.

The Bill was then passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the House therein.

Mr. Abbe, on leave, presented the petition of sundry citizens of Linn county, asking steps to be taken towards the formation of a State Constitution at as early a day as practicable.

On motion of Mr. Bradley,
Ordered, That said petition be referred to the Committee on Territorial Affairs.

On motion of Mr. Coop,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Brierly, from the Select Committee, to which was referred the petition of Eli Dow, praying for a Divorce, &c., reported

No. 33, C. F. "A Bill to divorce Eli Dow from his wife Lucy P. Dow;"

Which was read a first time.

Mr. Summers, from the Committee on Enrollments, reported, that said Committee had this day presented to the Governor, for his approval,

"An Act to amend an act, entitled 'An act providing for the appointment of District Prosecutors, and defining their duties.'"

Mr. Coop, from the Committee on Roads, on leave, reported

No. 34, C. F. "A Bill to re-establish a part of a Territorial Road vacated by an act, approved Feb. 16, 1845.

Mr. Ross, on leave being granted, reported

No. 35, C. F. "A Joint Resolution, for the payment of A. P. Woods, for publishing a Catalogue of the Library."

Mr. Coop, from the Select Committee, to which the subject was referred, on leave, reported

No. 36, C. F. "A Bill to amend an act, entitled 'An act to District the Territory of Iowa into Electoral Districts, and to apportion the representation of each.'"

Mr. Coop also reported

No. 37, C. F. "A Bill authorizing the Assessors to take the census of their respective counties in the Territory."

Said Bills were severally read a first time.

Mr. Shelby, on leave being granted, presented the petition of sundry citizens of Van Buren county, praying for a Divorce to be

granted in favor of William H. Evans.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Ross, on leave being granted, introduced

No. 38, C. F. "Joint Resolution, authorizing the Librarian to procure copies of Journals;" which was read a first time.

On motion of Mr. Shelby,

The Council adjourned until to-morrow morning, at 10 o'clock.

Thursday Morning, December 18, 1845.

A message was received from the House of Representatives by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House have passed

No. 10. H. R. File. "A Bill to amend an Act entitled an Act, to provide for assessing and collecting Public Revenue, 'approved 28th May, 1845.'" also,

No. 19, H. R. File, "A Bill to authorize Edmund C. Whipple & Co., to establish a Ferry across the Iowa and Cedar Rivers at the junction of the two rivers,"

In which the concurrence of the Council is requested.

I herewith return

"A Joint Resolution for an appropriation to improve the Agency Road."

"An Act to incorporate the Danville Academy." and

"An Act to amend an Act for the organization of the county of Iowa."

All of which have been signed by the Speaker of the House of Representatives.

The House have passed a resolution in the words following:

Resolved, (the Council concurring herein) That both Houses of the Legislative Assembly, will adjourn from Saturday the 20th, until Monday the 29th inst.

In which the concurrence of the Council is requested.

And then he withdrew.

Mr. Abbe presented the petition of sundry citizens of Cedar county, praying for a divorce to be granted to Jesse Bringham of said county.

Ordered, That the petition be referred to the Committee on the Judiciary.

Mr. Abbe presented the petition of sundry citizens of Linn and Benton counties, asking the establishment of a Territorial Road from Iowa City to the Falls of the Cedar River, in Black-Hawk county.

Ordered, that said petition be referred to the Committee on Roads.

Mr. Hastings presented the petition of the President and Trustees of the town of Bloomington, praying a revision of the act of Incorporation of said town.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Bradley presented the petition of sundry citizens of Delaware county, asking the Legislature to authorize J. E. Witcher of Dubuque to survey out, and establish the lost corners of Townships No. 90, North of Range 3, West of the 5th principal Meridian, &c.

Ordered, That said petition be referred to the Committee on Territorial Affairs.

Mr. Summers, on leave, introduced

No. 39, C. F. "Joint Resolution relative to Lands granted Iowa Territory, for a University,"

Which was read a first time.

Mr. Summers, from the Joint Committee on Enrolled Bills, reported.

No. 5. Council File, as correctly enrolled, also.

" 19. " "

" 29. " "

And " 31. " " as correctly engrossed.

Mr. Shelby, from the Committee on the Judiciary, to which was referred,

No. 30, C. F. "A Bill to authorize the Governor to appoint Commissioners to take acknowledgments &c, in foreign States and Territories."

Reported the same back to the Council with amendments.

To which the Council agreed.

Ordered, That said Bill be engrossed and read a third time on Saturday next.

Mr. Shelby from the committee on the Judiciary, reported

No. 40. C. F. "A Bill to Divorce William H. Evans from his wife,"

Which was read a first time.

Mr. Shelby, from the committee on the Judiciary, reported

No. 41, C. F. "A Bill to Divorce Jesse Bringham from his wife Nancy Bringham,"

Which was read a first time.

On motion of Mr. Hastings,

Ordered, That said Divorce Bills be now read a second time by their titles,

Said Bills were then read a second time, and ordered to be engrossed and read a third time on to-morrow.

Mr. Hastings, in accordance with previous notice, and leave being granted, introduced,

No. 42, C. F. "A Bill to amend an Act, entitled an Act, to incorporate the town of Bloomington, approved January 23rd, 1839.

Which was read a first time.

On motion of Mr. Hastings,

Ordered, That said Bill be read a second time now.

Said Bill was then read a second time and ordered to be engrossed and read a third time on to-morrow.

No. 16, H. R. File, "A Bill to lay out and establish a Territorial Road from Oskaloosa to Knoxville,"

Was read a first time.

No. 8, C. F. "A Bill to amend an Act, entitled an Act, regulating Criminal Proceedings, approved Jan. 4, 1839," being returned from the House of Representatives with an amendment, was taken up, the same read and concurred in.

No. 10. H. R. File, "A Bill to amend an Act, entitled an Act, to amend an act entitled an act, to provide for Assessing and Collecting Public Revenue," was read a first time.

On motion of Mr. Hastings,

Ordered, That said Bill be read a second time now, by its title.

Said Bill was then read a second time.

A motion was made by Mr. Bradley to strike out the word "Oc-

cupier," and insert the the word "Occupant"

To which the Council agreed.

On motion of Mr. Hastings,

Ordered, that said Bill be referred to a select committee.

Whereupon the President appointed Messrs. Hastings, Shelby and Ross said Committee

No. 19, H. R. File "A Bill to authorize Edmnnd E. Whipple & Co. to establish and keep a Ferry across the Iowa and Cedar Rivers," at the junction, was read a first time,

Ordered That said Bill be read a second time now

Said Bill was then read a second time and referred to the committee on Incorporations.

The following Resolution to wit:

Resolved, (the Council concurring herein) That both Houses of the Legislative Assembly will adjourn from Saturday the 20th, until Monday the 29th inst.,

Was taken up and being under consideration,

Mr. Summers offered the following as a substitute, after the word "Resolved."

That (inasmuch as the appropriation made by Congress to defray the expenses of the present session of the Legislature, will not permit a session of more than thirty-five or forty days in length, without creating a Territorial debt, and, inasmuch, as business is rapidly accumulating, it would seem that an adjournment of eight or ten days would be detrimental to the public interest,) the Legislature, adjourn *Sine die* on the 8th of January next, instead, from Saturday the 20th to Monday the 29th inst.

And the question being put on the adoption of the substitute

Was determined in the negative.

Yeas 5—Nays 7.

Those who voted in the affirmative were Messrs Bradle, Brattain, Shelby, Stephenson, and Summers.

Those who voted in the negative were Messrs Abbe, Brierly, Coop, Hastings, Ross, Thompson, and Mr. President.

So the substitute was lost.

A motion was made by Mr. Shelby to amend said Resolution by adding the following proviso.

"Provided that during said adjournment, the members of the Legislative Assembly shall not receive their per diem pay."

And the question being put on the amendment, was determined in the negative.

Yeas 5—Nays 7,

Those who voted in the affirmative were Messrs, Bradley, Brattain, Shelby, Stephenson, and Summers.

Those who voted in the negative were Messrs. Abbe, Brierly, Coop, Hastings, Ross, Thompson, and Mr. President,

So the *Proviso* was lost.

A motion was made by Mr. Summers to amend the Resolution by striking out all after the word "Resolved," and insert the following: That the Legislative Assembly adjourn *sine die* on Saturday the 20th instant.

The amendment was lost.

Yeas 6—Nays 6,

Those who voted in the affirmative were Messrs, Abbe, Brattain, Hastings, Shelby, Stephenson, and Summers.

Those who voted in the negative were Messrs. Bradley, Brierly, Coop, Ross, Thompson, and Mr. President.

The question was then put on concurring in the Resolution as passed by the House.

And decided in the affirmative.

Yeas 7—Nays 5,

Those who voted in the affirmative were Messrs. Abbe, Brierly, Coop, Hastings, Ross, Thompson, and Mr. President.

Those who voted in the negative were Messrs Bradley, Brattain, Shelby, Stephenson, and Summers.

So the Resolution of the House was concurred in.

No. 33, C. F. "A Bill to Divorce Eli Dow, from his wife Lucy P. Dow,"

Was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 34, C. F. "A Bill to re-establish a part of a Territorial Road vacated by an Act approved February, 16th 1845."

Was read a second time

On motion of Mr. Bradley,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 35. C. F. "Joint Resolution for the payment of A. P. Wood

for publishing a Catalogue of the Library,"

Was read a second time.

Ordered, That said Resolution be engrossed and read a third time on to-morrow

No. 36, C. F. "A Bill to amend an Act, entitled an Act, to District the Territory of Iowa into Electoral Districts and to apportion the representation of each,"

Was read a second time.

A motion was made by Mr. Ross to amend said Bill as follows.

Strike out "Washington and Keokuk, one, and Mahaska and Marion one," and insert Washington, Keokuk, Mahaska and Marion, two."

The motion was lost.

On motion of Mr. Coop,

Ordered, That said Bill be engrossed for a third reading on to-morrow,

No. 37, C. F. "A Bill to authorize the Assessors of their respective counties in the Territory to take the Cences,"

Was read a second time.

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 38, C. F. "Joint Resolution, authorizing the Librarian to procure copies of Journals;"

Was read a second time.

A motion was made by Mr. Summers, to strike out that part of said Resolution which authorized the Librarian to purchase said Journals.

The motion was lost.

A motion was made by Mr. Coop, to amend said Resolution by inserting the following, "That hereafter there shall be deposited in the Library five copies of the Journals of each House."

To which the Council agreed.

On motion of Mr. Ross,

Ordered, That said Resolution be engrossed for a third reading on to-morrow.

No. 19, C. F. "A Memorial to Congress on the subject of a Mail Route in Washington county,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the

House of Representatives therein

No. 23, C. F. "A Bill to Divorce Joseph Hartley from his wife Ann Hartley,"

Was read a third time.

Ordered, That said Bill be laid upon the Table

No. 29, C. F. "A Bill to incorporate the Maquoketa Academy, in Jackson county."

Was read a third time.

A motion was made by Mr. Shelby, that said Bill be committed to the Committee on Incorporations,

And the question being put, was determined in the negative.

Yeas 6—Nays 6.

Those who voted in the affirmative Were Messrs. Abbe, Brattain, Coop, Shelby, Thompson, and Mr. President.

Those who voted in the negative, were Messrs. Bradley, Brierly, Hastings, Ross, Stephenson, and Summers.

So the motion was lost.

A message was received from the House of Representatives by Mr. Thompson, their Clerk,

Mr. PRESIDENT—

The House have directed me to inform the Council that they have receded from their amendment to

No. 13. C. F. "A Bill to amend an Act, entitled an Act, to prevent and punish the obstruction of Roads and Highways," and

That they have passed.

No. 28, C. F. "A Bill for the relief of Mrs. Frances E. Anderson." also,

No. 26, H. R. File, "A Bill to change the name of E. G. White of Dubuque county."

In which the concurrence of the Council is requested.

And then he withdrew.

The Council resumed the consideration of No. 29, C. F. on its passage, and after debate.

A motion was made by Mr. Brattain, that said Bill be committed to the committee on Incorporations, with instructions to report the same back with an appealing clause attached;

Pending which,

A motion was made by Mr. Abbe, that the Council do now adjourn until 2 o'clock, P. M.

The motion was lost.

The question was then put on referring said Bill, and decided in the affirmative.

Yeas 7—Nays 5.

Those who voted in the affirmative, were,
Messrs. Abbe, Brattain, Brierly, Coop, Shelby, Thompson, and Mr. President.

Those who voted in the negative, were,
Messrs. Bradley, Hastings, Ross, Stephenson, and Summers.
So the Bill was referred.

On motion of Mr. Abbe,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 31, C. F. "Memorial to Congress for an appropriation to improve the navigation of the Des Moines River,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein

No. 32, C. F. Joint Resolution for adjourning from the 20th, to the 29th inst.

Was read a third time.

On motion of Mr. Shelby,

Ordered, That said Resolution do lie upon the table.

No. 5. H. R. File "A Bill to authorize James McGregor Jr., to keep a Ferry across the Mississippi River in Clayton county,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

Mr. Shelby from the committee on Incorporations, to which was referred,

No. 29, C. F. "A Bill to incorporate the Maquoketa Academy, 'in Jackson county,'" reported the same back to the Council, agreeable to instructions,

On motion of Mr. Bradley,

Ordered, That said Bill be laid upon the table, subject to the order of the Council.

Mr. Hastings from the Select committee, to which was referred, No. 10. H. R. File, "A Bill to amend an Act, entitled an Act, to amend an Act entitled an Act, to provide for Assessing and Collecting Public Revenue, approved 28th May, 1845."

Reported the same back to the Council with an amendment to the first Section.

The report was not concurred in.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the committee on Finance.

The President, on leave, and in accordance with previous notice, introduced,

No. 43, C. F. "A Bill to repeal an Act entitled an Act, to authorize the Board of Commissioners of the county of Dubuque to levy a tax on all real and personal estate, approved May 26th, 1845,"

Which was read a first and second time,

On motion of Mr. Bradley,

Ordered, That said Bill be engrossed for a third reading on tomorrow.

Mr. Stephenson, on leave being granted, introduced,

No. 44, C. F. "A Bill to Divorce Amelia Scanlan from her husband,"

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said Bill be laid upon the table, subject to the order of the Council.

On motion of Mr. Shelby,

The Council adjourned until to morrow morning, 10 o'clock.

Friday Morning, December 19, 1845.

Mr. Summers, from the Committee on Engrossed Bills, reported

Nos. 38, 30, 40, 42, 37, 41, 36, 33, 43, 34, and 35,

As correctly engrossed.

Mr. Summers, from the Joint Committee on Enrollments, reported, Nos. 8, 13, and 28, as correctly enrolled.

Mr. Brierly, from the Committee on Finance, to which was referred

No. 10. H. R. File, "A Bill to amend an Act, entitled an Act, to amend an act entitled an act, to provide for Assessing and Collecting Public Revenue," approved, 28th May, 1845.

Reported the same back to the Council with amendments.

Ordered, That said Bill be read a third time on to-morrow.

Mr. Shelby, from the Committee on Incorporations, to which was referred

No. 19, H. R. File "A Bill to authorize Edmund E. Whipple & Co. to establish and keep a Ferry across the Iowa and Cedar Rivers,"

Reported the same back to the Council with amendments.

The Report was concurred in.

Ordered, That said Bill be read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, to which was referred

No. 25, C. F. "A Bill to restrain unauthorized Banking,"

Reported the same back to the Council without amendment.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, reported

No. 45, C. F. "A Bill requiring certain officers therein named to make their annual report to the Governor."

Which was read a first time.

Mr. Summers, from the Joint Committee on Enrollments, reported, that said Committee presented to the Governor, on the 18th inst. for his approval,

"A Joint Resolution for an appropriation to improve the Agency Road;"

"An act to amend an act, entitled An act for the organization of the county of Iowa;" and

"An act to incorporate the Danville Academy."

Mr. Thompson, from the Committee on Agriculture, to which was re-committed

No. 22, C. F. "A Bill to prevent the firing of Prairies;"

Reported the same back to the Council with amendments.

The Report was concurred in.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

The President laid before the Council a communication from his Excellency, James Clarke, Governor of Iowa Territory, containing certain nominations.

On motion of Mr. Summers,

The Council resolved itself into an Executive Session for the consideration of the same.

After some time spent therein, the Council resumed its regular session.

No. 26, H. R. File. "A Bill to change the name of E. G. White, of Dubuque county,"

Was read a first time.

No. 39, C. F. "Joint Resolution relative to Lands granted Iowa Territory for a University,"

Was read a second time.

Mr. Summers offered the following as an additional Resolution, to wit:

Resolved, That this Legislative Assembly recommend S. W. Durham, of Linn county as a suitable person to make the selection aforesaid.

The Resolution was disagreed to.

Ordered, That said Resolution be engrossed and read a third time on to-morrow.

No. 16, H. R. File, "A Bill to lay out and establish a Territorial Road from Oskaloosa to Knoxville,"

Was read a second time.

Ordered, That said Bill be read a third time on to-morrow.

No. 33, C. F. "A Bill to divorce Eli Dow from his wife Lucy P. Dow," was read a third time.

And the question being put,

Was determined in the affirmative.

Yeas 7—Nays 3.

Those who voted in the affirmative, were,
Messrs. Abbe, Bradley, Brierly, Coop, Summers, Thompson, and Mr. President.

Those who voted in the negative, were

Messrs. Brattain, Ross, and Shelby.

So the Bill passed, and the title was agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

No. 34, C. F. "A Bill to re-establish a part of a Territorial Road vacated by an act, approved Feb. 16, 1845.

Was read a third time.

On motion of Mr. Bradley,

Ordered, That said Bill be referred to the Committee on Roads.

No. 35, C. F. "A Joint Resolution, for the payment of A. P. Woods, for publishing a Catalogue of the Library."

Was read a third time, passed, and title agreed.

No. 36, C. F. "A Bill to amend an act, entitled 'An act to District the Territory of Iowa into Electoral Districts.

Was read a third time, passed, and title agreed to.

No. 37, C. F. "A Bill to authorize the Assessors of their respective counties in the Territory to take the census;"

Was read a third time, passed, and title agreed to.

No. 38, C. F. Joint Resolution, authorizing the Librarian to procure copies of Journals;"

Was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative.

Yeas 8—Nays 2.

Those who voted in the affirmative, were Messrs. Bradley, Brattain, Brierly, Coop, Ross, Shelby, Thompson, and Mr. President.

Those who voted in the negative, were Messrs. Abbe, and Summers.

So the resolution passed, and title agreed to.

No. 40, C. F. "A Bill to Diverce William H. Evans from his wife,"

Was read a third time.

And the question being on the passage of the Bill;

And being put,

It was decided in the negative.

Yeas 4—Nays 6.

Those who voted in the affirmative, were Messrs. Abbe, Brierly, Summers, and Mr. President.

Those who voted in the negative, were
Messrs. Bradley, Brattain, Coop, Ross, Shelby, and Thompson.
So the Bill was lost.

No. 41, C. F. "A Bill to Divorce Jesse Bringham from his wife
Nancy Bringham," was read a third time.

And the question being put, Shall the bill pass?

It was decided in the affirmative.

Yeas 6—Nays 4.

The yeas and nays being demanded.

Those who voted in the affirmative, were

Messrs. Abbe, Bradley, Brierly, Coop, Summers, and Mr. President.

Those who voted in the negative, were

Messrs. Brattain, Ross, Shelby, and Thompson.

So the Bill passed, and the title was agreed to.

A motion was made by Mr. Coop, to reconsider the vote taken on
the passage of

No. 40, C. F. "A Bill to Divorce William H. Evans from his
wife.

To which the Council agreed.

The question then again occurred on the passage of said Bill;

And being put,

It was decided in the negative—it being a tie vote.

Yeas 5—Nays 5.

Those who voted in the affirmative, were

Messrs. Abbe, Brierly, Coop, Summers, and Mr. President.

Those who voted in the negative, were

Messrs. Bradley, Brattain, Ross, Shelby, and Thompson.

So the Bill was lost.

No. 42, C. F. "A Bill to amend an act, entitled 'An act to incor-
porate the town of Bloomington;'"

Was read a third time.

Ordered, That said Bill do lie upon the table.

No. 43, C. F. "A Bill to repeal an Act entitled an Act, to author-
ize the Board of Commissioners of the county of Dubuque to levy
a tax on real and personal estate,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representa-
tives of the passage of the aforesaid Bills, Resolutions, &c.

On motion of Mr. Bradley,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A message was received from the House of Representatives, by
Mr. Thompson, their Clerk:

Mr. PRESIDENT—

The House have directed me to inform the Council that the House have passed

No. 1, C. F. "A Bill to amend an act, for assessing Territorial Tax, and for other purposes," approved Feb. 15th, 1844.

Also,

No. 2, C. F. "A Bill concerning the rights of Married Women."

The House have passed, with an amendment to the substitute of the Council for

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River, in the county of Clayton.

In which amendment the concurrence of the Council is requested. And then he withdrew.

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River,"

Being returned from the House with the amendment of the Council amended, was taken up, and,

On motion of Mr. Shelby,

Ordered, That the Council disagree to said amendment.

Mr. Summers, from the Committee on Engrossed Bills, reported Nos. 22, 25, and 39, as correctly engrossed.

A motion was made by Mr. Summers, that the 13th Rule of the Council be suspended, and

No. 25, C. F. "A Bill to restrain unauthorized Banking,"

Be read a third time now.

To which the Council agreed.

Said Bill was then read a third time, passed, and title agreed to.

On motion of Mr. Thompson,

Ordered, That the 13th Rule be suspended, and
No. 22, C. F. "A Bill to prevent the firing of Prairies,"

Be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the
House of Representatives therein.

On motion of Mr. Ross,

The Council adjourned until to morrow morning, 7 o'clock.

Saturday Morning, December 20, 1845.

The Council met at 7 o'clock, pursuant to adjournment.

Mr. Stephenson moved a call of the Council and the Roll being
called, Messrs. Shelby, Brattain, Thompson, Hastings, Brierly, and
Coop, were found to be absent.

The Sergeant-at-Arms was directed to require the attendance of
the absentees.

After a short time, the absentees not appearing, a motion was
made by Mr. Ross, that the further call of the Council be dispensed
with.

To which the Council agreed.

A motion was then made by Mr. Ross, that the Council adjourn.

And the question being put,

It was decided in the negative.

Yeas 3—Nays 3.

Those who voted in the affirmative were,

Messrs. Abbe, Ross, and Mr. President.

Those who voted in the negative, were

Messrs. Bradley, Stephenson, and Summers.

A motion was made by Mr. Bradley,

That the Council do now adjourn until Monday, the 29th inst.,
agreeable to the Resolution of the House, in which the Council
concurred on the 18th inst.

And the question being put,

It was determined in the affirmative.

And the Council stood adjourned until 10 o'clock, A. M. on Monday, the 29th instant.

Monday Morning, December 29, 1845.

Mr. Ross, presented the petition of sundry citizens of Washington and Keokuk counties, asking the establishment of a Territorial Road from Washington in said county, to Sigourney in Keokuk county.

Ordered, That said petition be referred to the committee on Roads.

Mr. Shelby presented the petition of sundry citizens of the Territory, praying the passage of a law for the protection of religious Societies during worship.

On motion of Mr. Shelby,

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Abbe presented the petition of sundry citizens on the same subject, which was referred to the same committee.

Mr. Abbe presented the petition of sundry citizens of Linn and Benton counties, asking the establishment of a Territorial Road in said counties.

Ordered, That said petition be referred to the committee on Roads.

Mr. Shelby presented the petition of sundry citizens of Davis county, asking the passage of a law to legalize the acts of Henry C. Smith, a Constable of said county.

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Shelby presented the petition of the members of the Bar in Van Buren county, praying the passage of a law authorizing the Clerk of the District Court of said county to transcribe the records of said Court.

Ordered, That said petition be referred to the committee on the Judiciary.

On motion of Mr. Shelby,

Resolved, That the Secretary of the Territory be requested to furnish the Council the amount of arrearages for the Legislative expenses previous to the last session, when appropriated and for what purpose; the amount of Legislative expenses of the last session unpaid, and for what service.

Mr. Shelby, from the committee on the Judiciary, in compliance with a Resolution, instructing said committee to inquire into the expediency of repealing all laws now in force, relative to the Valuation of real and personal property taken on execution,

Submitted the following report:

The law providing for the Valuation of real and personal estate, taken in execution, has been in force about two years. All contracts which can be in anywise affected by that law are those made since its passage, and those which have been made with reference to its provisions. And your committee are of the opinion that it would be inexpedient to change the law at this time.

The report was not concurred in,

On motion of Mr. Leffler,

Ordered, That said report be laid on the table, subject to the order of the Council.

Mr. Shelby from the committee on the Judiciary, reported,

No. 46, C. F. "A Bill to amend an Act entitled an Act, regulating practice in the District Courts of this Territory,"

Which was read a first time,

Ordered, That the usual number of copies of said Bill be printed.

No. 26, H. R. File, "A Bill to change the name of E. G. White, of Dubuque county,"

Was read a second time,

Ordered, That the 13th rule be suspended, and

Said Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

No. 45, C. F. "A Bill requiring certain officers therein named, to make their annual report to the Governor,"

Was read a second time.

On motion of Mr. Abbe,
Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 30, C. F. "A Bill to authorize the Governor to appoint Commissioners to take acknowledgments, &c., in foreign States and Territories,"

Was read a third time, passed, and title agreed to.

No. 39, C. F. Joint Resolution relative to Lands granted Iowa Territory for a University,"

No. 10. H. R. File, "A Bill to amend an Act, entitled an Act, to amend an act entitled an act, to provide for Assessing and Collecting Public Revenue," approved, 28th May, 1845.

No. 16, H. R. File. "A Bill to lay out and establish a Territorial Road from Oskaloosa to Knoxville," and

No. 19, H. R. File "A Bill to authorize Edmund C. Whipple & Co. to establish and keep a Ferry across the Iowa and Cedar Rivers," at the junction of said rivers; were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

On motion of Mr. Abbe,
The Council adjourned until to-morrow morning, 10 o'clock.

Tuesday Morning, December 30, 1845.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT—

I am directed by the House to inform the Council that the House have passed

No. 25, H. R. File, "A Bill to lay out and establish new counties, and define their boundaries."

In which the concurrence of the Council is requested.

The House have passed

No. 26, C. F. "Joint Resolution, relative to obtaining another Land Office."

And,
No. 38, C. F. "Joint Resolution, authorizing the Librarian to procure copies of Journals of Legislatures."

I herewith return

"An act for the relief of Mrs. Frances E. Anderson."

"An act to amend an act, entitled 'An act to prevent and punish the obstruction of Roads and Highways.'"

"An act to amend an act, entitled 'An act to allow and regulate the action of Right;'" approved Dec. 29th, 1838.

And,

"An act to amend an act, entitled 'An act regulating Criminal Proceedings,'" approved Jan. 4th, 1839.

Which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said Acts.

Mr. Coop presented the petition of sundry citizens of the Territory, praying the passage of a law for the protection of Religious Societies during worship.

Mr. Leffler presented the petition of sundry citizens of the Territory of like import.

Ordered, That said petitions be referred to the Committee on the Judiciary.

Mr. Brierly presented the petition of Phebe Elizabeth Wilkie, praying to be divorced from her husband Thomas Wilkie.

On motion of Mr. Brierly,

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Brierly, Thompson, and Leffler, were appointed said Committee.

Mr. Stephenson presented the petition of sundry citizens of Henry county, asking the dissolution of the bonds of matrimony between Amelia and Thomas Scanlin.

Ordered, That said petition be referred to a Select Committee.

Messrs. Stephenson, Bradley, and Ross, composed said Committee.

Mr. Coop presented the petition of 285 citizens of Jefferson and Wapello counties in relation to a certain Territorial Road leading from Fairfield to Agency City.

Ordered, That said petition be referred to the Committee on Roads.

Mr. Ross, from the Committee on Engrossed Bills, reported
No. 45, C. F. "A Bill requiring certain officers therein named
to make their annual report to the Governor,"

As correctly engrossed.

No. 45, C. F. "A Bill requiring certain officers therein named,
to make their annual report to the Executive."

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the House
of Representatives therein.

No. 25. H. R. File, "A Bill to lay out and establish new counties,
and define their boundaries;"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said Bill be referred to the Committee on County
Boundaries.

Mr. Ross gave notice, that he would, on some subsequent day, ask
leave to introduce

"A Bill to legalize the acknowledgment of conveyance of real es-
tate heretofore made," and

"A Bill to amend an act to organize the county of Marion."

Mr. Stephenson gave notice, that he would, on some future day,
ask leave to introduce

"A Bill to provide for levying a Road Tax on real estate."

On motion of Mr. Leffler,

The Council adjourned until to-morrow morning, at 10 o'clock.

Wednesday Morning, December 31, 1845.

Mr. Brierly presented the petition of sundry citizens of Lee county, praying the passage of a law authorizing the election of two additional Justices of the Peace in the town of Keokuk in said county.

On motion of Mr. Brierly,

Ordered, That said petition be referred to a Select Committee.

Whereupon the President appointed,

Messrs. Brierly, Thompson, and Bradley, said committee.

Mr. Hastings presented the petition of sundry citizens of the Territory, praying the passage of a law for the protection and aid in the cultivation of fruit trees.

Ordered, That said petition be referred to a select committee.

Messrs. Hastings, Abbe, and Stephenson, composed said committee.

Mr. Ross, presented the petition of 390 citizens of the county of Keokuk, praying the relocation of the seat of Justice of said county.

Ordered, That said petition be referred to a select committee.

The members from the counties adjoining said county of Keokuk to be excluded from acting as said committee.

Whereupon the President appointed,

Messrs. Leffler, Bradley, and Stephenson, said committee.

Mr. Ross presented the remonstrance of 230 citizens of said Keokuk county, against the relocation of the Seat of Justice of said county.

Ordered, That said remonstrance be referred to the same committee.

Mr. Abbe, presented the petition of sundry citizens of Linn county, praying for a Divorce to be granted to Mrs. Jemima Snyder.

On motion of Mr. Abbe,

Ordered, That said petition be referred to a select committee.

Messrs. Abbe, Hastings, and Brierly were appointed said committee.

A message from the House of Representatives, by Mr. Thompson, their Clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Council that the House have passed

No. 29 H. R. File, "A memorial to Congress, praying an appropriation for the construction of a public Wharf at the town of Keokuk."

In which the concurrence of the Council is requested.

The House have passed,

No. 33, C. F. "A Bill to Divorce Eli Dow, from his wife Lucy P. Dow."

The House have insisted on their amendment to the substitute of the Council to

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River, in the county of Clayton."

And then he withdrew,

Mr. Coop presented the petition of sundry citizens of the Territory, praying the legalization of the Territorial Road from Burlington to Fairfield via Mt. Pleasant, and Rome.

Ordered, That said petition be referred to the committee on Roads.

Mr. Brierly from the select committee to which was referred a petition on the subject, reported,

No. 47. C. F. "A Bill to Divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie."

Which was read a first time.

Mr. Hastings from the committee to which was referred a petition relative to the subject, reported

No. 48, C. F. "A Bill to prevent trespass upon Fruit trees,"

Which was read a first time.

Mr. Stephenson from the select committee, to which the petition of Amelia Scanlan and others, was referred, reported

No. 49, C. F. "A Bill to Divorce Amelia Scanlan from her husband Thomas Scanlan," as a substitute for No. 44, C. File.

Which was read a first time.

Mr. Coop from the committee on Roads, reported

No. 50, C. F. "A Bill to authorize the County Commissioners of Jackson county to establish the survey of a road in said county," and

No. 51, C. F. "A Bill to establish a Territorial Road from Si-gourney in Keokuk county to Washington, in Washington county."

Said Bills were severally read a first time.

Mr. Coop, from the committee on Roads to which was referred No. 34, C. F. "A Bill to re-establish a part of a Territorial Road vacated by an Act, approved February 16, 1842."

Reported the same back with an amendment.

To which the Council agreed.

Ordered, That said Bill be engrossed for a third reading on to-morrow.

Mr. Abbe from the Select committee to which was referred a petition for the same, reported,

No. 52, C. F. "A Bill to Divorce Jemima Snyder from her husband Nathaniel Snyder,"

Which was read a first time.

Mr. Hastings, on leave being granted introduced,

No. 53, C. F. "A Bill to establish the time of holding the District Courts in the second Judicial District,"

Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to a select committee to be composed of the members from the second Judicial District.

No. 46, C. F. "A Bill to amend an Act, entitled an Act, regulating practice in the District Courts of the Territory of Iowa,"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be laid upon the table.

Mr. Hastings gave notice that he would on to-morrow ask leave to introduce,

"A Bill for the relief of occupying claimants of Lands."

Ordered, That Messrs. Bradley and Ross be added to the Joint Committee on Enrollments.

Mr. Thompson gave notice that on some future day he would ask leave to introduce,

"A Bill to prevent Bail in cases of Manslaughter,"

"A Bill relative to Bail in Criminal cases," and

"A Bill relative to the recognizance of witnesses in Criminal cases," also

"A Bill relative to persons selling Liquors without License.

On motion of Mr. Brierly,

Ordered, That the report of the committee appointed to examine the Penitentiary be taken from the table and referred to a select committee.

Messrs. Bradley, Brierly, and Leffler were appointed said committee.

On motion of Mr. Shelby,

Ordered, That the communications relative to leasing the Penitentiary be taken from the table.

Said Communication were then taken from the table, and

On motion of Mr. Brierly,

Referred to the same committee.

A motion was made by Hastings, to take from the table,

No. 42, C. F. A Bill to amend an Act entitled an Act, to incorporate the Town of Bloomington, approved January 23d, 1845."

To which the Council agreed.

Said Bill was then taken from the table and

On motion of Mr. Hastings,

Referred to a select committee, composed of Messrs, Hastings, Coop, and Bradley.

On motion,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Bradley from the Joint Committee on Enrolled Bills, reported as correctly enrolled.

An act to amend an Act, for Assessing Territorial Tax, and for other purposes,' approved 15th February, 1844."

"An act concerning the rights of Married Women."

Joint Resolution relative to obtaining another Land Office, and
Joint Resolution authorizing the Librarian to procure copies of
the Journals of the Legislative Assembly."

Mr. Hastings presented the petition of Robert Lucas, asking the
alteration of the Wyoming Road, with the plan of said alteration.

On motion of Mr. Hastings,

Ordered, That said petition together with the plan accompa-
nying the same, be referred to the committee on Roads.

Mr. Ross, on leave being granted introduced.

No. 54, C. F. "A Bill to amend an Act entitled an Act, to organ-
ize the county of Marion," approved June 10th, 1845."

Which was read a first time.

Mr. Hastings, introduced the petition of sundry citizens of Cedar
county, praying for a certain portion of said county to be attached
to the county of Muscatine.

Ordered, That said petition be referred to the Committee on
County Boundaries.

No. 29, H. R. File, "A Memorial to Congress, praying an ap-
propriation for the construction of a Public Wharf at the town of
Keokuk;"

Was read a first time.

A Message from the House of Representatives, by Mr. Thompson
their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to
inform the Council that the House have passed

No. 33, H. R. File, "A Bill to levy an additional tax for Terri-
torial purposes."

In which the concurrence of the Council is requested.

I herewith return

No. 37, C. F. "A Bill to authorize the Assessors of their respect-
ive counties in this Territory to take the census," &c.

Which has been passed by the House.

The House have agreed to the amendments of the Council to

No. 10, H. R. File, "A Bill to amend an act, entitled 'An act
to amend an act, entitled an act to provide for assessing and collect-
ing Public Revenue,'" approved May 28th, 1845.

Also,

No. 19, H. R. File "A Bill to authorize Edmund C. Whipple &

Co. to establish and keep a Ferry across the Iowa and Cedar Rivers, at the junction of said rivers."

And then he withdrew.

No. 5, H. R. File, "A Bill to authorize James McGregor, Jr., to keep a Ferry across the Mississippi River;"

Being returned from the House with their amendment to the amendment of the Council insisted upon, was taken up, and,

On motion of Mr. Abbe,

Ordered, That the Council insist to their amendment.

On motion of Mr. Hastings,

Ordered, That a Committee of Conference be appointed, to act with a similar Committee on the part of the House, in relation to the disagreement of the two Houses in said Bill.

Messrs. Hastings, Abbe, and Shelby were appointed said Committee.

Mr. Stephenson, on leave, introduced

No. 55, C. F. "A Resolution to adjourn to Mount Pleasant;"

Which was read a first and second time.

A motion was made by Mr. Hastings, that the Council resolve it solve itself into a Committee of the Whole Council for the consideration of said Resolution.

And the question being put,

It was decided in the negative.

Yeas 5—Nays 6.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Hastings, Shelby, and Thompson.

Those who voted in the negative, were

Messrs. Brierly, Coop, Leffler, Ross, Stephenson, and Mr. President.

So the motion to commit was lost.

A motion was made by Mr. Stephenson, that the 13th Rule be suspended, and the Resolution be read a third time now.

Pending which,

A motion was made by Mr. Abbe, to strike out "Mount Pleasant," and insert Bloomington.

The motion was lost.

A motion was then made by Mr. Shelby, to strike out the words "Mount Pleasant," and insert Burlington.

And the question being put,

It was decided in the negative.

Yeas 2—Nays 9.

The yeas and nays being demanded.

Those who voted in the affirmative, were
Messrs. Abbe and Shelby.

Those who voted in the negative, were
Messrs. Bradley, Brierly, Coop, Hastings, Leffler, Ross, Stephenson, Thompson, and Mr. President.

So the motion was lost.

A motion was made by Mr. Bradley, to strike out "Mount Pleasant," and insert Dubuque.

The motion was lost.

A motion was then made by Mr. Hastings, that said Resolution be laid upon the table until the 8th of January next.

And the question being put,

It was decided in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative, were
Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Thompson, and Mr. President.

Those who voted in the negative, were

Messrs. Leffler, Ross, Shelby, and Stephenson.

So the Resolution was laid upon the table until the 8th of January next.

Mr. Bradley, from the Joint Committee on Enrollments, reported, that they had this day presented to the Governor for his approval,

"An act to amend an act, entitled 'An act regulating Criminal Proceedings,'" approved Jan. 4th, 1839.

"An act to amend an act, entitled 'An act to prevent and punish the obstruction of Roads and Highways.'"

"An act to amend an act, entitled 'An act to allow and regulate the action of Right,'" approved Dec. 29th, 1838, and

"An act for the relief of Mrs. Frances E. Anderson."

Mr. Stephenson, on leave, introduced

No. 56, C. F. "A Bill to levy a Road Tax on real estate;"

On motion of Mr. Hastings,

The Council resolved itself into an Executive Session.

After some time spent therein, the Council resumed its regular session, and,

On motion of Mr. Shelby,
Adjourned until to-morrow morning, at 10 o'clock.

Thursday Morning, January 1, 1846.

Mr. Coop from the Committee on Roads to which was referred a petition on the subject, reported,

No. 54, C. F. "A Bill to establish and confirm an alteration in the Wyoming Road."

Which was read a first time.

Mr. Hastings from the Select Committee to which was referred, No. 42, C. F. "A Bill to amend an Act entitled an act to incorporate the Town of Bloomington,"

Reported the same back to the Council with three amendments.

To which the Council agreed.

On motion of Mr. Hastings,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Leffler from the select committee to which was referred the petition of sundry citizens of Keokuk county, for the relocation of the Seat of Justice of said county, reported,

No. 58, C. F. "A Bill to provide for the appointment of Commissioners to relocate the county seat of Keokuk county."

Which was read a first and second time.

A motion was made by Mr. Leffler, that the Council resolve itself into a committee of the whole Council for the consideration of said Bill.

The motion was lost.

A message was received from the House of Representatives by Mr. Thompson, their Clerk.

MR. PRESIDENT:—

I am directed by the House to inform the Council that the House have passed.

No. 34, H. R. File. "A Bill to authorize Abel Thompson to keep a ferry across the Mississippi River."

In which the concurrence of the Council is requested.

I herewith return.

No. 19, C. F. "A Memorial to Congress on the subject of a Mail Route in Washington county;"

Which has been passed by the House with one amendment.

In which the concurrence of the Council is requested, also,

No. 39, C. F. "Joint Resolution relative to lands granted Iowa Territory, for a University," and

No. 22, C. F. "A Bill to prevent the firing of prairies,"

Which have been passed by the House of Representatives,

I herewith present for your signature.

"An act to amend an act, entitled an act, to amend an act, entitled an act, to provide for Assessing and Collecting Public Revenue, approved 28th May, 1845," also,

"An act to change the name of E. G. White of Dubuque county."

Which have been referred by the Speaker of the House of Representatives, and then he withdrew.

The President then signed said Acts.

Mr. Thompson from the committee on County Boundaries,

To which was referred,

No. 25, H. R. File. "A Bill to lay out and establish new counties and define their boundaries."

Reported the same back to the Council with an amendment.

To which the Council agreed.

On motion of Mr. Coop,

Ordered, That said Bill be read a third time on to-morrow.

The President laid before the Council the following communication from the Hon. Jesse Williams, Secretary of the Territory, in compliance with a Resolution passed on the 29th ult.

SECRETARY'S OFFICE, }
IOWA CITY, DECEMBER 6, 1845. }

To the Honorable Legislative Council:

GENTLEMEN:—I have the honor to acknowledge the receipt of your resolution of the 3rd inst., and in answer to which, I herewith transmit a copy of the correspondence had between this office and the Treasury Department relative to the respective Congressional appropriations which have come into my hands, numbered from one to eight, inclusive.

I beg leave respectfully to call the special attention of the Legislative Assembly to the Comptroller's letter, under date of the 12th ult.

On the 26th of July last, I received from the Treasury of the United States, drafts, which I subsequently negotiated in the city of St. Louis, amounting to \$10,000. About \$9,000 of this amount has been disbursed by me in the payment of arrearages of Legislative expenses which existed prior to the May session of this year, and in the partial payment of the expenses incurred at said May session.

I respectfully refer you to the estimate contained in my letter to the Secretary of the Treasury of the 28th of July last, for an exhibit of the amount of arrearages which existed prior to the May session, as well as of the amount due for expenses incurred at said session. That estimate may be relied upon as approximating very nearly to the respective amounts.

I have now in my hands about \$1,000, which amount is subject to old arrearages in part, and the remainder to liabilities incurred at the May session.

I received on the 30th ult., from the Treasury Department, a draft on the Bank of Missouri, St. Louis, for \$15,660 86. Of this amount \$14,050 was appropriated for legislative expenses of this Territory, by act of Congress, approved 17th June, 1844. The balance of said draft (1,610 86) being a refundment from the appropriation of the preceding year—as per Comptroller's letter herewith transmitted.

Very respectfully,

I have the honor to be,

Your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa.

(No. 1.)

SECRETARY'S OFFICE, IOWA,
IOWA CITY, JULY 28, 1845.

SIR:—I herewith enclose to the Department a printed copy of the appropriation bill passed at the session of the Legislative Assembly of this Territory, which met in this city on the 5th day of May last.

By this bill you will perceive that the sum appropriated amounts to \$9,473 36. In addition to this amount is to be added the printing of the laws and journals of each House of the same session, which I estimate will amount to about \$1,600, in addition to the items appropriated for in the bill alluded to—making the aggregate expenses of the session amount to \$11,073 36.

The law of Congress, approved June 17, 1844, making appropriations for that year, evidently contemplated in the appropriation for compensation and mileage of members of the Legislative Assembly of this Territory, and for the pay of officers, printing, &c., the payment of arrearages of former sessions, which then remained unpaid.

Under this view of the subject, my predecessor drew from the Treasury near seven thousand dollars of the appropriation of that year, which he disbursed under the instructions of the Department in the payment, or partial payment, of said arrearages.

There yet remains unpaid of claims of this character, I am informed by my predecessor, about \$2,500—and which will, of course, be payable out of the appropriation for that year, \$10,000, for which drafts have been furnished me on the Mechanic's Bank of New York.

After the payment of the arrearages, (\$2,500,) there will remain but \$7,500 for the payment of the expenses of the recent session of the Legislative Assembly, amounting, as above estimated, to \$11,073 36—showing a deficit of \$3,573 36. To pay this deficit, and to provide for some necessary contingent expenses of my office, I have to request to be furnished by the Department, at as early a day as practicable, with an additional draft, predicated upon the ap-

appropriation of Congress, as made by the appropriation act, approved March 3d, 1845, of \$14,050, for the payment of Legislative expenses.

The Legislative Assembly which met on the 5th day of May last, in this city, were elected—the members of the House of Representatives for one year, from and after the first Monday of April last, and the members of the Legislative Council for two years from that date. The Assembly have already been in session thirty-eight days of the seventy-five days which they are permitted to continue in session, within the year for which they were elected. At the adjournment of the recent short session, they adjourned to meet again on the first Monday of December next, at which time the same Legislative body will again meet and continue in session thirty-seven days, which will complete the seventy-five days—being the extent of the time allowed by the provisions of an act of Congress for the year for which they were elected.

When I shall have drawn from the Treasury the \$3,600 now requested, and disbursed it as above contemplated, there will remain of the appropriation by act of Congress of the 3rd of March, 1845, \$10,450, to defray the expenses of the remaining portion of the seventy-five days which the present Legislative Assembly have to sit—which amount will be amply sufficient for that purpose, and which cannot be exceeded, inasmuch as they are prohibited from either sitting more than the seventy-five days, or exceeding the appropriations made for the Legislative year for which they are chosen.

The amount of \$10,000, with which I have been furnished, being the balance of the appropriation of 1844, will be disbursed and accounted for to the Department, within the succeeding twenty or thirty days. If my official bonds, executed to the Department on the 26th ult., should be deemed insufficient to cover the \$10,000 now in my hands and unaccounted for, together with the \$3,600 now asked for, you will please advise me of the same, that I may, at as early a day as practicable, execute additional bonds.

Very respectfully,

Your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa.

Hon. ROBERT J. WALKER,

Secretary of the Treasury, U. S.

(No. 2.)

SECRETARY'S OFFICE, IOWA,
BURLINGTON, OCTOBER 22, 1845.

SIR:—On the 28th of July last, I wrote to the Department, making application for \$3,600 of the appropriation, made for the contingent expenses of the Legislature of this Territory, by an act of Congress approved 3d March, 1845.

I now have to request to be furnished, at your earliest convenience, with the full amount of the appropriation above referred to, (\$14,050,) or in case the \$3,600 requested by me on the 28th of July, has been forwarded, you will please send on the balance of said appropriation.

The Legislative Assembly of this Territory meets again on the first Monday of December next, and the reason of my application at this early day, is, that I may have time previous to the closing of navigation on the upper Mississippi, to visit St. Louis after its receipt, and prior to the meeting of the Assembly.

My predecessors in office experienced much difficulty in consequence of funds for the payment of the Legislative expenses not being forwarded on in time to negotiate the drafts, &c., and make other necessary arrangements previous to the meeting of the Assembly.

I would prefer being furnished with drafts on the eastern cities, or on St. Louis, Mo., of one and two thousand dollars each.

I shall indulge the hope that this, my requisition, may receive the earliest attention practicable from the Department.

Very respectfully,

Your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa Ter.

HON. ROBERT J. WALKER,

Secretary of Treasury, U. S.

(No. 3.)

SECRETARY'S OFFICE, IOWA,
BURLINGTON, NOVEMBER 13, 1845.

SIR:—Doubts having been suggested as to the right of the Territorial Legislature to hold an annual session, commencing on the first Monday in December next, I would respectfully call your attention to the subject, by furnishing a statement of all the facts in the case. My object being simply to facilitate the public business of the Territory, by removing every obstacle, should any exist, to the earliest transmission of a draft for the amount appropriated to defray the expenses of the approaching session.

The Organic law provides, that the members of the House of Representatives shall hold their seats for the term of one year. It also provides that no session shall continue for a longer time than seventy-five days. And it further provides, that Congress shall make annual appropriations, based upon estimates furnished by the Secretary of the Treasury, to defray the necessary expenses of the Legislature.

Up to and including the session of 1843-4, it had been usual for the annual session, *under a law then and still in existence*, to commence on the 1st Monday in December. At that session, (of 1843-4,) steps were taken with reference to the formation of a State Government; and with a view to that object, the next annual election for members of the Legislature was postponed from August, (1844,) to April, (1845.) and the annual meeting of the Legislature was postponed from the first Monday in December, (1844,) to the first Monday in May, (1845.)—The annual session thus postponed from December, until May, was convened, *according to the special act of the preceding session*, and at the end of thirty-eight days it was adjourned, *sine die*. And no action having been taken with reference to the next annual session, it will of course begin, *by operation of Organic Law*, on the first Monday in December, proximo.

The members elected in April, (or such of them as did not resign)

claim the right to hold their seats for the full term of one year from the day of their election, (in April last,) as provided by the Organic Law. It follows of course, that they claim the right to hold a regular annual session, commencing on the first Monday in December next, as their commissions will not, under the Organic Law, expire until April, 1846.

The right of these members to hold their places for a year, supported as it is by the plainest provisions of law, would seem to be undeniable. The only question seems to be, whether they can legally hold two annual sessions within the same calendar year.

It is to be born in mind that the first session (in May) was a *postponed annual session*. The doubt, if any, appears to be, whether a postponed session can affect in any respect, the legality of a regular annual session, which it was understood, in contemplation of law, was to be holden within the same year. As no action whatever was taken with reference to this latter session, but the whole matter left to the regulation of an existing law, and that law being still in existence, I can see nothing to prevent the Legislature from meeting and organizing in due form—nothing to prevent the session from being in itself regular—nothing to invalidate its proceedings, nor to restrict, or annul the rights and powers claimed by the members.

As another argument in favor of this position, and one which will at the same time render safe and legal the disbursement of the appropriations, I will instance the fact of the appropriation itself, which was made by Congress with a knowledge of the proceedings of the Legislature before it.

The fact that the organic law contains a pledge on the part of the General Government, to make annual appropriations sufficient to defray the necessary expenses of the Legislature—connected with the fact that Congress has made that appropriation for the annual session, besides rendering the disbursement safe, would also, it seems, legalize in advance, (were such legislation necessary,) the convening of the contemplated annual session, commencing in December next.

The first and most important consideration arising from the preceding views, is, as to the application to be made of the money appropriated at the last session of Congress, to defray the expenses of the Territorial Legislature.

If the approaching session should be deemed a regular annual

session, no part of the appropriation can be used for the payment of any of the expenses of the last session. But if it shall be considered the residue of a former session, coming within the same year, and authorized to fill out only the term of seventy-five days, including the time occupied at the May session, then the appropriation can be diverted, or such of it as may be necessary, to the payment of balances already due.

It is in view of these considerations, as disbursing agent of the Government, that I have felt it my duty to bring the subject before the Department. And I would respectfully ask that the Hon. Secretary of the Treasury would accompany the draft for the appropriation, with such instructions as he may deem necessary.

I have the honor to be,

Your obedient servant,

JESSE WILLIAMS,

Sec. of the Ter. of Iowa.

HON. ROBERT J. WALKER,

Sec'y Treasury, U. S.

(No. 4.)

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE,
Nov. 10, 1845.

SIR:—The Secretary of the Treasury has referred to this office your letter of the 28th July last in which you say: "The law of Congress approved 17th June, 1844, making appropriations for that year, evidently contemplated in the appropriation for the compensation and mileage of members of the Legislative Assembly, and for pay of officers, printing and the payment of arrearages of former sessions which then remained unpaid. Under this view of the subject my predecessor drew from the Treasury near seven thousand dollars of the appropriations of that year, which he disbursed under the instruction of that Department in the payment, or partial payment of said arrearages. There yet remains unpaid of claims of this character, I am informed by my predecessor, about \$2,500,

"and which will of course be payable out of the appropriation for that year, (\$10,000,) for which drafts have been furnished me."

By reference to the enclosed copy of a letter received from the Hon. A. C. Dodge, dated Dec. 4th, 1844, and of one addressed by this office to the Secretary of the Treasury, dated Dec. 20th, 1844, and of another sent from this office to the late Secretary of the Territory of Iowa, Samuel J. Burr, dated Dec. 23d, 1844, you will perceive that the sum of \$6,983 then remitted to said Burr, was deemed sufficient, and as much of the amount appropriated by Congress, 17th June, 1844, for legislative expenses of said Territory, as could be applied to pay arrearages of Legislative expenses, and the balance of said appropriation, 10,000 dollars, was reserved to defray the expenses of the Legislature, at the postponed session: which unless Congress authorized the application of said balance to defray the expenses of a Convontion to frame a State Constitution, the said Legislature might, and did subsequently hold; also, that the Hon. Mr. Dodge stipulated, the session which the said Legislature might so hold, should not incur expenses beyond the aforesaid sum of \$10,000. Nevertheless, from a copy of the Legislative act, approved 11th June last, received from you, it appears that the sums appropriated amount—dollars 9,619 36, which, added to your estimate for the printing of the session, \$1,600, makes the expenses of the Legislature for said session \$11,219 36 or \$1,219 36 beyond the sum stipulated as aforesaid—but as there has been a refundment of the sum of \$1,610 86 to the credit of appropriations for Legislative expenses in Iowa, said sum may now be considered as having formed part of the money—\$6,983—remitted to Secretary Burr, and consequently there would remain \$11,610 86 of the appropriation of 17th June 1844, that might be applied to defray the expenses incurred by the Legislature, at its aforesaid postponed session; of which remainder you acknowledge to have received \$10,000, add the residue, \$1,610 86, will be sent to you by the Treasurer—and after you shall have used so much thereof as may be required to discharge the expenses of said postponed session—you may use the residue to pay arrearages of Legislative expenses.

The sum of \$14,050 appropriated by the act of Congress approved 3rd March, 1845—which will be sent to you by the Treasurer, must be first exclusively applied to defray the expenses in

curring by the Legislature, at its annual session of 1845-6, and until they shall all have been discharged, no part of said appropriation should be used to pay expenses incurred at former sessions.

You will find herein a copy of a letter, addressed to Samuel J. Burr, dated 27th Aug. 1845, asking him to send copies of certain laws, referred to in his arrearage account, but as they have not been received, I have to request that you will send them to this office, if the late Secretary shall not already, and very recently, have forwarded them by mail.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller.

To JESSE WILLIAMS, Esq.

Secretary of the Territory of Iowa.

(No. 5.)

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE,

November 12, 1845.

SIR:—The Treasurer will send you by this mail, \$14,050, appropriated per act of Congress, approved 3rd, March, 1845, to defray the expenses of the Legislative Assembly of Iowa, for its session of 1845-6; and with respect to its disbursement, I would call your attention—and through you, the attention of the members of the Assembly, to that clause of the 117th item of the first section of the act of Congress, making appropriations for civil and diplomatic expenses, approved 18th May, 1842, which provides, that the Legislative Assembly of no Territory, shall thereafter, in any instance, or under any pretence, whatever, exceed the amount appropriated by Congress, for its annual expenses; and likewise, to that clause in the 2d section of the act of Congress, approved 29th Aug., 1842, which provides, that no act, resolution or order of the Legislature of any Territory, directing the expenditure of money, shall

be deemed a sufficient authority for such disbursement, but sufficient vouchers, and proof for the same, shall be required by said accounting officers;—and no payment shall be made or allowed, unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller

To JESSE WILLIAMS, Esq.

Secretary of the Territory of Iowa.

(No. 6.)

HOUSE OF REPRESENTATIVES, {

December 4th, 1844, }

SIR:—At the last session of Congress an appropriation of \$16,900 00, or thereabouts was made to defray the expenses of the Legislative Assembly of Iowa for the current year, and for the payment of arrearages of previous sessions. Our Legislature at an extra session, held in the month of June last, passed an act postponing the regular session, from December to May, with a proviso that, should Congress consent to the application of so much of said appropriation as remained, after paying arrearages of previous sessions, to the liquidation of the expenses of a Convention, for the formation of a Constitution, there then should be no session at all.

In this state of the case, I regard it as my duty to make application to you, for so much of the appropriation above mentioned as will pay the arrearages. This sum is estimated at \$7,000. But be it, or a sum which may be supposed to cover them, may be immediately transmitted to the Secretary of the Territory.

I make this application strictly in accordance with the law of the Legislature, and with the wishes of my constituents. You have the

former certified by the Secretary; and for the latter I will be responsible.

With sentiments of

High respect,

Your obedient servant,

A. C. DODGE.

HON. JAMES W. McCULLOH,
1st Comptroller, &c.

(No. 7.)

TREASURY DEPARTMENT.
COMPTROLLER'S OFFICE,
20th Dec. 1844.

SIR—The Legislature of the Territory of Iowa, having by their act approved 19th June, 1844, postponed the annual session of that body, until the first Monday of May next—and provided that it shall be dispensed with altogether if Congress shall before the 4th of March next, authorize the appropriation made for defraying the expenses thereof to be applied to the payment of the debts incurred by past Legislatures for Legislative expenses—and the overplus, if any, to the payment of the expenses of the Convention to form a Constitution of the future State of Iowa—as appears by the accompanying certified copy of said act—and by a letter that was addressed on the 4th inst., to this office by the Hon. A. C. Dodge, Delegate to Congress from said Territory—in which forasmuch, as the aforesaid appropriation, to wit: \$16,983, was by the act of Congress, approved June 17th, 1844, made expressly applicable not only to the expenses of the session of the Assembly, which has been postponed and may be dispensed with as aforesaid; but also to arrearages of expenses of previous sessions of said Assembly—and because the claimants of said arrearages have been recognized by the aforesaid Territorial act as meritorious creditors under said appropriation—he asks that seven thousand dollars, at which sum he estimates said arrearages, may be now remitted to the Secretary of

said Territory, to be by him applied to the payment thereof; coupled with an assurance given by said Delegate that if the said Assembly shall meet in May next, it will abridge its term so that its expenses shall not exceed \$9,983 the remainder of the appropriation of \$16,983.

On consideration whereof I do hereby respectfully advise that the request of said Delegate be now substantially gratified by remitting to Samuel J. Burr, Secretary aforesaid, the sum of \$6,983, in drafts of the Treasurer upon New York, not exceeding \$1000 each, to be applied by him to the payment of said arrearages in full, if sufficient; otherwise, rateably on such as exceed \$200; and in full as to those which are for a smaller sum.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller.

HON. GEO. M. BIBB,

Secretary of the Treasury.

(No. 8.)

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE,

December 23, 1844.

SIR:—You will receive from the Treasurer, per mail, his drafts on New York, for the sum of \$6,983, in amounts not exceeding \$1,000, each—to be by you applied to the payment of the arrearages of debts incurred by past Legislatures of the Territory of Iowa—for such Legislative expenses as relate to objects that were included in the estimates of the Secretary of the Treasury—but for the payment whereof, in whole or part, former appropriations, made by Congress, were found to be insufficient; the said payments to be made in full, if their aggregate amount shall not exceed the sum of \$6,983—otherwise, rateably on such claims as issued \$200, each; and in full as to those which are for a smaller amount.

The enclosed copies of a letter addressed to me by the Hon. A. C.

Dodge, on the subject of said arrearages—and of one by me addressed to the Secretary of the Treasury on the same subject—with his action thereon, will apprise you of all the circumstances, under which the aforesaid remittance has been directed to be made to you.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller,

To SAMUEL J. BURR, ESQ.

Secretary of Iowa Territory.

The communication was read at the Clerk's table.

On motion of Mr. Coop,

Ordered, That the usual number of copies of said communication be printed.

A message from the House of Representatives, by Mr. Thompson, their Clerk:

Mr. PRESIDENT—

The House of Representatives have passed

No. 27 H. R. File, "Joint Resolution, relative to the death of Hon. JOSEPH M. ROBERTSON."

In which the concurrence of the Council is requested.

And have appointed Messrs. Wilson, Taylor, and Coy a committee of arrangements on the part of the House to make preparations for the funeral procession.

I herewith return

"Joint Resolution relative to obtaining another Land Office."

"Joint Resolution authorizing the Librarian to procure copies of the Journals of the Legislative Assembly."

"An Act concerning the rights of married women," and

"An Act to amend an act for assessing Territorial Tax and for other purposes, approved 15th February 1844."

The same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above Acts and Resolutions.

Mr. Shelby arose, and announced to the Council, in the following most touching language, the death of Hon. JOSEPH M. ROBERTSON, member of the House of Representatives from Scott County, who departed this life on the evening of the 31st. ult.

MR. PRESIDENT:—

The painful duty has been imposed on me, of announcing to the Council that the *pale horse* and his *rider* have again entered the Capitol, and stricken down a member of the House of Representatives. Mr. Robertson, a Representative from the county of Scott, departed this life at his lodgings on last evening.—My acquaintance with the deceased was limited, being confined entirely to our intercourse as members of the present Legislature. But so far as my acquaintance extends, I have always found him an honest, upright man—the noblest work of God—and a faithful representative of his constituents. During his protracted illness he received all the attention that could be bestowed by kind friends, urged by a kindred feeling. During a portion of his sickness, he had the care and attention of a kind and affectionate wife to smooth his pillow and soften the bed of affliction.

May *He* who tempers the wind to the shorn Lamb, sustain her in the hour of her bereavement. His eyes were closed by the hand of kind friends, and it only now remains for us to pay the last respects to our deceased friend by seeing that his body is deposited in the tomb—the last resting place of all.

A motion was made by Mr. Bradley, to take up the message last received from the House.

To which the Council agreed.

Said message was then taken up, and the Resolution relative to the death of Hon. Joseph M. Robertson was concurred in by the Council.

Messrs. Shelby and Coop were appointed a committee on the part of the Council to act in conjunction with the committee on the part of the House, to make necessary arrangements for the funeral procession.

Mr. Stephenson was appointed on the part of the Council to attend the remains of Mr. Robertson to his residence.

The Council then in compliance of said Resolution, adjourned until to-morrow morning, 10 o'clock.

Friday Morning, January 2, 1846.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council that the House have passed

No. 30, C. F. "A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories."

And then he withdrew.

Mr. Bradley, from the Committee on Enrolled Bills, reported Nos. 37 and 33, Council File,

As correctly enrolled.

Mr. Ross, from the Committee on Engrossed Bills, reported Nos. 34 and 42, Council File,

As correctly engrossed.

Mr. Shelby, from the Committee on the Judiciary, to which was referred a petition on the subject, reported,

No. 53, C. F. "A Bill to legalize the official acts of Henry C. Smith, a constable in the county of Davis,"

Which was read a first time.

Mr. Bradley, from the Committee on Joint Enrollments, reported, that they had this day presented to the Governor, for his approval

"An act to amend an act, for assessing Territorial Tax, and for other purposes, approved 15th February, 1844."

"An act concerning the rights of Married Women."

"A Joint Resolution authorizing the Librarian to procure copies of the Journals of the Legislative Assembly;" and

"A Joint Resolution, relative to obtaining another Land Office."

Mr. Shelby, from the Committee on the Judiciary, to which was referred that portion of the Governor's Message which relates to the Southern Boundary line of this Territory, submitted a lengthy report, accompanied by

No. 59, C. F. "A Memorial on the subject of the disputed boundary between the State of Missouri and this Territory;"

Which was read a first time.

On motion of Mr. Leffler,

Ordered, That said report, together with the Memorial, be printed.

A motion was made by Mr. Hastings, to take from the table

No. 11, H. R. File, "A Bill to vacate a part of the Territorial Road from Wyoming to Moscow."

To which the Council agreed.

Sail Bill was then taken from the table, read a third time, passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

No. 33, H. R. File, "A Bill to levy an additional Tax for Territorial purposes."

No. 34, H. R. File, "A Bill to authorize Abel Thompson to keep a Ferry across the Mississippi River,"

Were severally read a 1st time.

No. 19, C. F. "A Memorial to Congress on the subject of a Mail Route in Washington county;"

Being returned from the House with an amendment, was taken up, and,

On motion of Mr. Coop,

Ordered, That the Council concur in said amendment.

A motion was made by Mr. Hastings, that

No. 23, C. F. "A Bill to divorce Joseph Hartley from his wife Ann Hartley,"

Be now taken from the table.

To which the Council agreed.

Said bill was then taken from the table, and read a third time.

The question was then put, Shall the Bill pass?

It was decided in the affirmative.

Yeas 6—Nays 4.

Those who voted in the affirmative, were Messrs. Abbe, Brierly, Coop, Hastings, Leffler, and Mr. President.

Those who voted in the negative, were

Messrs. Bradley, Ross, Shelby, and Thompson.

So the Bill passed, and the title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 47, C. F. "A Bill to divorce Phebe E. Wilkie from her husband;"

Was read a second time.

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 48, C. F. "A Bill to prevent trespass upon Fruit Trees;"

Was read a second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the committee on Agriculture, and that said committee report as soon as practicable.

No. 47, C. F. "A Bill to Divorce Amelia Scanlan from her husband Thomas Scanlan,"

Was read a second time.

On motion of Mr. Coop.

Ordered, That said Bill be engrossed for a third reading on Monday next.

No. 50, C. F. "A Bill to authorize the County Commissioners in Jackson county, to establish the survey of a road in said county,"

Was read a second time.

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 51, C. F. "A Bill to establish a Territorial Road from Sigourney, in Keokuk county, to Washington, in Washington county;"

Was read a second time.

On motion of Mr. Ross,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 52, C. F. "A Bill to divorce Jemima Snyder from her husband, Nathaniel Snyder;"

Was read a second time.

A motion was made by Mr. Abbe, that said Bill be engrossed and read a third time on to-morrow.

So the motion was lost.

A motion was made by Mr. Hastings, that said resolution be engrossed and read a third time on Monday next.

And the question being put,

It was decided in the affirmative.

Yeas 8—Nays 2.

Those who voted in the affirmative, were,

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Thompson, and Mr. President.

Those who voted in the negative, were,

Messrs. Ross and Shelby.

So the Bill was ordered to be engrossed for a third reading on Monday next.

No. 54, C. F. "A Bill to amend an act, entitled 'An act to organize the county of Marion;'"

Was read a second time.

On motion of Mr. Ross,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 56, C. F. "A Bill to levy a Road Tax on real estate;"

Was read a second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to a Select Committee.

Messrs. Hastings, Coop, and Leffler were appointed said committee.

No. 57, C. F. "A Bill to establish and confirm an alteration in the Wyoming;"

Was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 29, H. R. File, "A Memorial to Congress, praying an appropriation for the construction of a Public Wharf, at the Town of Keokuk,"

Was read a second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, Messrs. Hastings, Brierly, and Shelby, were appointed said committee.

No. 34, C. F. "A Bill to re-establish a part of a Territorial Road vacated by an act approved February 16, 1842."

"No. 42, C. F. "A Bill to amend an Act to incorporate the town of Bloomington, approved January 23, 1839."

No. 25, H. R. File. "A Bill to lay out and establish new Counties and define their boundaries."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Thompson, on leave being granted, introduced, No. 60, C. F. "A Bill relative to the recognizance of witnesses in Criminal cases,"

Which was read a first time.

Mr. Coop being called to the Chair;

Mr. Hempstead, on leave, introduced,

No. 61, C. F. "A Bill to incorporate and establish the city of Dubuque,"

Which was read a first and second time by its title, and referred to the committee on Incorporations.

Mr. Hempstead on leave, introduced

No. 62, C. F. "A Bill Amendatory of an act, entitled an Act for the limitation of Actions &c., approved February, 15, 1843."

Which was read a first time,

On motion of Mr. Hempstead,

Ordered, That said Bill be read a second time now.

Said Bill was then read a second time and referred to the committee on the Judiciary.

On motion of Mr. Leffler,

The Council resolved itself into a committee of the Whole Council for the consideration of

No. 58, C. F. "A Bill to provide for the appointment of Commissioners to relocate the county seat of Keokuk county,—Mr. Shelby, Chairman,

After some time spent therein, the Committee arose and the Chairman reported,

That the committee had, according to order, had said Bill under consideration, and instructed him to report the same with sundry amendments.

The question on concurring in the report of the committee was taken on the amendments separately.

A motion was made by Mr. Leffler, that the Council concur in

the amendment to the 1st section, in filling the blanks with the names of Joseph Foster of Van Buren county, Joshua Owens of Lee county, and John Brophy of Clinton county, to act as Commissioners to relocate said county seat of Keokuk county.

To which the Council agreed.

The question then occurred on agreeing to the second amendment made by the committee, requiring the Commissioners to meet the second Monday in May, instead of the second Monday in February next,

And being put, it was decided in the affirmative.

Yeas 6—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative, were

Messrs. Abbe, Bradley, Hastings, Ross, Shelby, and Mr. President.

Those who voted in the negative, were

Messrs. Brierly, Coop, Leffler, and Thompson.

So the amendment was concurred in.

The question was then taken on concurriag in the third amendment, changing the time of holding the election, in relation to said county seat.

And determined in the affirmative.

Yeas 6—Nays 4.

Those who voted in the affirmative, were

Messrs. Abbe, Bradley, Hastings, Ross, Shelby, and Mr. President.

Those who voted in the negative were,

Messrs. Brierly, Coop, Leffler, and Thompson.

So the amendment was concurred in.

The question was then put on concurring in the amendment of the committee in which the blank in the sixth section was filled with the word "*three*," allowing the Commissioners \$3,00 per diem for their services.

The amendment was concurred in,

The Council then concurred in the proviso added to the seventh section.

A message was received from the House of Representatives by Mr. Thompson, their Clerk.

MR. PRESIDENT:—

I am directed by the House of Representatives to inform the Council that the House have passed No. 31. H. R. File. "A Bill for the organization of the county of Appanoose."

In which the concurrence of the Council is requested.

I herewith return

"An Act to authorise the Assessors of their respective counties in this Territory to take the census,"

"An act to prevent the firing of prairies."

"An act to divorce Eli Dow from his wife Lucy P. Dow."

And,

"Joint Resolution relative to lands granted Iowa Territory for a University."

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President signed said Acts and Resolution.

The Council then resumed the consideration of No. 58. C. F.

A motion was made by Mr. Hastings to strike out all after the word "County seat" in 13th line of section seven to the proviso.

To which the Council agreed.

A motion was then made by Mr. Hastings to strike out in the seventh section, the words "deem necessary" and insert "may have sustained."

Pending which

On motion of Mr. Shelby,
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Council resumed the consideration of

No. 58, C. F. "A Bill to provide for the appointment of Commissioners to relocate the seat of Justice of the county of Keokuk" on the motion of Mr. Hastings to strike out in the seventh section, the words "deem necessary" and insert "may have sustained."

And the question being put,

It was determined in the affirmative.

A motion was then made by Mr. Leffler, that the 13th Rule be suspended and the Bill be read a third time now.

The motion was lost.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 31. H. R. File, "A Bill for the organization of the County of Appanoose,"

Was read a first time.

No. 30, C. F. "A Bill to authorize the Governor to appoint Commissioners to take acknowledgments &c. in foreign States and Territories,"

Having been returned from the House of Representatives with an amendment, was taken up, the same read and concurred in by the Council.

Mr. Thompson, on leave introduced

No. 63, C. F. "A Bill relative to Bail in cases of manslaughter,"

Which was read a first and second time.

Ordered, That said Bill be referred to the committee on the Judiciary.

Mr. Bradley, from the committee on Enrollments reported that they had this day presented to the Governor for his approval

"An act to authorize the Assessors of their respective counties in this Territory to take the census."

"An act to prevent the firing of prairies."

"An act to Divorce Eli Dow from his Wife Lucy P. Dow," and

"A Joint Resolution relative to Lands granted Iowa Territory for a University."

On motion of Mr. Brierly,

The Council adjourned until to-morrow morning, 10 o'clock.

Saturday Morning, January 3, 1846.

A Message from the House of Representatives, by Mr. Thompson their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council that the House have appointed, Messrs. Willson and Murdock, a committee of conference to act with a similar committee on the part of the Council on the disagreeing vote of the two Houses on

No. 5, H. R. File, "A Bill to authorize James McGregor Jr. to keep a ferry across the Mississippi River in the county of Clayton."

The House have disagreed to the amendment of the Council to

No. 25, H. R. File. "A Bill to lay out and establish new Counties and define their boundaries."

The House have passed,

No. 22, H. R. File. "A Bill to establish a Territorial Road in the counties of Jones and Delaware,

In which the concurrence of the Council is requested.

I herewith return

No. 10, C. F. "A Bill to repeal all laws now in force, allowing compensation to Military Officers in this Territory,"

Which has been passed by the House of Representatives.

And then he withdrew.

Mr. Bradley presented the petition of sundry citizens of Buchanan county, praying the location of the county seat of said county by three disinterested Commissioners."

Ordered, That said petition be referred to a select committee.

Messrs. Bradley, Abbe and Coop, were appointed said committee.

Mr. Brierly, from the select committee, to which was referred a petition on the subject, reported,

No. 64, C. F. "A Bill to provide for the election of additional Justices of the Peace in the town of Keokuk,"

Which was read a first time.

Mr. Hastings from the select committee to which was referred, No. 29, H. R. File. "A memorial praying an appropriation for the construction of a public wharf at the town of Keokuk,"

Reported the same back to the Council with an amendment.

To which the Council agreed.

On motion of Mr. Brierly,

Ordered, That said Memorial be read a third time on Monday next.

Mr. Hastings on leave, introduced,

No. 65, C. F. "A Bill for the relief of occupying claimants of Lands,"

Which was read a first time.

Ordered, That the usual number of copies of said Bill be printed.

Mr. Coop, from the committee on Military affairs, to which was referred,

No. 7, H. R. File. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri in relation to the Southern boundary line."

Reported the same back to the Council with one amendment and recommended its passage.

The report was concurred in.

Ordered, That said Memorial be read a third time on Monday next.

Mr. Bradley from the committee on Enrolled Bills, reported,

"A memorial to Congress on the subject of a Mail route in Washington County," and

"An act to authorize the Governor to appoint Commissioners to take acknowledgments, &c. in foreign States and Territories,"

As correctly enrolled.

Mr. Leffler on leave, introduced

No. 66, C. F. "A Bill to divorce certain persons therein named,"

Which was read a first time.

Ordered, That the 13th Rule be suspended and the Bill be read a second and third time now by its title.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Ross, from the committee on Engrossed Bills, reported.

Nos.	47,	Council	File.
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"	49,	"	"
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"	50,	"	"
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"	51,	"	"
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"	52,	"	"
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"	54,	"	"
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"	57,	"	"
---	-----	---	---

"	67,	"	"
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As correctly engrossed.

Mr. Coop, from the committee on Roads, to which was referred the petition of sundry citizens of Linn and Benton counties, reported that said committee had examined the same, and are of opinion that the Road asked for in said petition, can be dispensed with at the present session without any serious inconvenience, and asked for the discharge of the committee from a further consideration of the subject.

The report was concurred in, and the committee discharged.

A motion was made by Mr. Leffler, that,

No. 58, C. F. "A Bill to appoint Commissioners to relocate the County seat of Keokuk county," be read a third time now.

To which the Council agreed.

Said Bill was then taken up, read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 60, C. F. "A Bill relative to the recognizance of Witnesses in Criminal cases,"

Was read a second time.

On motion of Mr. Thompson,

Ordered, That said Bill be referred to the committee on the Judiciary.

No. 31, H. R. File, "An act for the organization of the county of Appanoose,"

Was read a second time.

On motion of Mr. Shelby,

The Bill was amended by striking out the words, "A. L. Nichols" and inserting the name of Wm. Whitaker, of Van Buren county."

On motion of Mr. Shelby,

Ordered, That said Bill be read a third time on Monday next.

No. 33, H. R. File. "A Bill to levy an additional tax for Territorial purposes,"

Was read a second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to a Select committee.

The President appointed Messrs. Hastings, Thompson, and Leffler, said committee.

No. 34, H. R. File. "A Bill to authorize Abel Thompson to keep a ferry across the Mississippi River,"

Was read a second time.

On motion of Mr. Bradley,

Ordered, That said bill be referred to the committee on Incorporations.

No. 67, C. F. "A Bill to legalize the official acts of Henry C. Smith, a Constable in the county of Davis."

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be engrossed for a third reading on Monday next.

No. 47, C. F. "A Bill to divorce Phebe E. Wilkie from her husband Thomas Wilkie,"

Was read a third time.

And the question being put,

Shall the Bill pass?

It was determined in the affirmative,

Yeas 8—Nays 2.

Those who voted in the affirmative, were Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Thompson, and Mr. President.

Those who voted in the negative, were

Messrs. Ross, and Shelby.

So the Bill passed and the title was agreed to.

Ordered, That the Clerk notify the House of Representatives thereof.

No. 50. C. F. "A Bill to authorize the county Commissioners of Jackson county, to establish the survey of a Road in said county."

No. 51, C. F. "A Bill to establish a Territorial Road from Si-gourney, in Keokuk county, to Washington in Washington county."

No. 57, C. F. "A Bill to establish and confirm an alteration in the Wyoming Road."

Were severally read a third time, passed, and titles agreed to.

Mr. Hastings, on leave, introduced,

No. 68, C. F. "A Bill to amend an Act entitled an Act, relative to proceedings in Chancery, approved January 23d, 1839,"

Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the committee on the Judiciary.

On motion of Mr. Leffler,

The Council adjourned until Monday morning, 10 clock,

Monday Morning, January 5, 1846.

Mr. Abbe presented the petition of Joseph Hewit, of Johnson county, praying for a Divorce from his wife Jane Hewit; and introduced

No. 68. C. F. "A Bill to divorce said Hewit from his wife;"

Which was read a first and second time.

A motion was made by Mr. Abbe, that the 13th rule be suspended and the Bill be read a third time now.

And the question being put,

It was determined in the negative.

Yeas 6—Nays 4.

Those who voted in the affirmative, were,
Messrs. Abbe, Brierly, Coop, Hastings, Leffler, and Mr. President.

Those who voted in the negative, were,
Messrs. Bradley, Ross, Shelby, and Thompson.

Three-fourths not voting therefor, the rule was not suspended.

On motion of Mr. Abbe,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council that the House have passed

No. 32, H. R. File, "A Bill to amend an act, entitled 'An act to establish a system of Common Schools,' approved January 16th, 1840.

Also,

No. 45, H. R. File, "A Bill to legalize the acts of Henry C. Smith."

In which the concurrence of the Council is requested.

The House have passed, with amendment,

No. 58, C. F. "A Bill to appoint Commissioners to re-locate the County Seat of Keokuk county."

In which the concurrence of the Council is requested.

They have also passed, without amendment,

No. 43, C. F. "A Bill to repeal an act to authorize the Board of Commissioners of the county of Dubuque to levy a tax on all real and personal estate," approved May 26th, 1845.

No. 34, C. F. "A Bill to re-establish a part of a Territorial Road, vacated by an act, approved Feb. 16th, 1842."

No. 45, C. F. "A Bill requiring certain officers therein named to make their annual reports to the Executive."

And then he withdrew.

Mr. Hastings presented the petition of _____ of Louisa county, praying for a Divorce from his wife.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Shelby, from the Committee on the Judiciary, to which was referred

No. 61, C. F. "A Bill to incorporate the city of Dubuque;"

Reported the same back to the Council without amendment.

A motion was made by Mr. Hastings, that said Bill be considered as engrossed, and read a third time now.

To which the Council agreed.

Said Bill was then read a third time, passed, and title agreed to.
Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Shelby, from the Committee on the Judiciary to which was referred,

No. 62, C. F. "A Bill amendatory of an act entitled 'An act for the Limitation of actions,' &c., approved Feb. 15th, 1843,
Reported the same back to the Council without amendment.

On motion of Mr. Coop,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, to which was referred

No. 63, C. F. "A Bill relative to Bail in cases of Manslaughter,"
Reported the same back to the Council with sundry amendments.
To which the Council agreed.

On motion of Mr. Hastings,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Shelby, from the same Committee, reported back

No. 60, C. F. "A Bill relative to the recognizance of Witnesses in Criminal cases," with one amendment.

To which the Council agreed.

On motion of Mr. Thompson,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

Mr. Shelby, from the Committee on Incorporations, to which was referred

No. 34, H. R. File, "A Bill to authorize Abel Thompson to keep a Ferry across the Mississippi River,"

Reported the same back to the Council with one amendment.

The report was concurred in.

Ordered, That said Bill be read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, to which was referred

No. 74, C. F. "A Bill to amend an act, entitled 'An act relative to Proceedings in Chancery,' approved February 23d, 1839,"
reported the same back to the Council without amendment.

On motion of Mr. Hastings,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

Mr. Shelby, from the Committee on the Judiciary, to which was referred a petition on the subject, reported

No. 70, C. F. "A Bill to authorize the Clerk of the District Court for the county of Van Buren, to transcribe the Records of said Courts,"

Which was read a first time.

Mr. Shelby, from the Committee on the Judiciary, to which was referred several petitions on the subject, reported

No. 71, C. F. "A Bill for an act, supplementary to an act, entitled "An act to preserve good order in all worshipping Congregations in this Territory, approved, Jan. 4, 1839;"

Which was read a first time.

Ordered, That said Bill be read a second time now by its title.

Said Bill was then read a second time, and,

On motion of Mr. Hastings,

The words "4th day of July," were stricken out, and the words "1st day of March" inserted.

The Bill was then ordered to be engrossed for a third reading on Wednesday next.

Mr. Bradley, from the Committee on Enrolled Bills, reported

No. 10, C. F. as correctly enrolled.

Mr. Hastings, on leave, introduced

No. 72, C. F. "A Bill to amend an act allowing and regulating Writs of Attachment," approved February 16, 1843;

Which was read a 1st and 2d time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

Mr. Ross, from the Committee on Engrossed Bills, reported

No. 67, C. F. as correctly engrossed.

No. 22, H. R. File, "A Bill to establish a Territorial Road in the counties of Jones and Delaware,"

Was read a 1st time.

No. 25, H. R. File, "A Bill to lay out and establish new counties and define their boundaries,"

Being returned from the House of Representatives with the

amendment of the Council disagreed to, was taken up, and,

On motion of Mr. Hastings,

Ordered, That the Council recede from their amendment.

No. 64, C. F. "A Bill to provide for the election of additional Justices of the Peace in the town of Keokuk;"

Was read a second time.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed for a 3rd reading on to-morrow.

No. 65, C. F. "A Bill for the relief of occupying claimants of Lands;"

Was read a 2nd time.

On motion of Mr. Shelby,

Ordered, That said Bill be referred to the committee of the Whole Council and made the order of the day for to-morrow.

No. 49, C. F. "A Bill to Divorce Amelia Scanlan from her husband,"

Was read a third time.

And the question being put;

Shall the Bill pass?

It was decided in the affirmative,

Yeas 8—Nays 2.

Those who voted in the affirmative, were Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Thompson, and Mr. President.

Those who voted in the negative were,

Messrs. Ross and Shelby.

So the Bill passed and its title was agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 52, C. F. "A Bill to Divorce Jemima Snyder from her husband Nathaniel Snyder,"

Was read a third time.

And the question being put,

Shall the Bill pass?

It was determined in the affirmative,

Yeas 7—Nays 3.

Those who voted in the affirmative, were,

Messrs. Abbe, Brierly, Coop, Hastings, Leffler, Thompson and Mr. President.

Those who voted in the negative, were,
Messrs. Bradley, Ross, and Shelby.

So the Bill passed and title agreed.

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 54, C. F. "A Bill for an Act to amend an Act, entitled an Act, to organize the county of Marion, approved June 10, 1845."

No. 7, H. R. File. "A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

A motion was made by Mr. Hastings to reconsider the vote taken on concurring in the report of the committee in relation to the amendment made to

No. 29, H. R. File, "A memorial to Congress praying an appropriation for the construction of a Public Wharf at the town of Kekuk."

To which the Council agreed.

The question then occurred on the report of the committee, which was disagreed to.

The memorial was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

No. 31, H. R. File, "An Act for the organization of the county of Appanooze,"

Was read a third time.

On motion of Mr. Shelby, and by the unanimous consent of the Council, the Bill was amended so as to allow the Commissioners to locate the seat of Justice of said county, two dollars per each day's travel in going to and from said county.

Said Bill was then passed, and title agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Bradley, on leave, introduced

No. 73, C. F. "A Bill to amend an act to establish the time of holding the District Courts in the several Judicial Districts, in the Territory," which was read a first and second time.

Ordered, That said Bill be engrossed for a third reading on to morrow.

No. 67, C. F. "A Bill to legalize the official acts of Henry C. Smith, a Constable in the county of Davis,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

No. 32, H. R. File. "A Bill to amend an Act, entitled an Act, to establish a system of Common Schools, approved, January 16th, 1840,"

Was read a first and second time.

Ordered, That said Bill be referred to the committee on County Boundaries.

No. 45, H. R. File. "A Bill to legalize the acts of Henry C. Smith,"

Was read a first time.

No. 58, C. F. "A Bill to appoint Commissioners to relocate the county seat of Keokuk county," being returned from the House of Representatives amended,

Was taken up, the amendments read and concurred in by the Council.

A motion was made by Mr. Ross, that the Council adjourn until 2 o'clock, P. M.

The motion was lost.

On motion of Mr. Coop,

The Council adjourned until to-morrow morning, 10 o'clock.

Tuesday Morning, January 6, 1846.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT:—

I am directed by the House of Representatives to inform the Council that the House have passed,

No. 46, H. R. File, "A Bill to authorize Eliphalet Price, Judge of Probate, in the county of Clayton, or his successors in office, to transcribe the Records of said Court."

No. 38. H. R. "A Bill to declare a certain Road in the county of Dubuque to be a Territorial road, and to appoint Commissioners to locate a Territorial Road from Floyd's, in Dubuque county, *via*. Colony, to Boardman's Precinct, thence in the direction of Fort Atkinson."

No. 39, H. R. File. "A Bill to authorize the Board of Commissioners of Clayton county, to change the name of Jacksonville in said county."

No. 43, H. R. File. "A Bill defining the term of office of Constables,"

And,

No. 51, H. R. File. "Joint Resolution, providing for the adjournment of the Legislature, *sine die*."

In which the concurrence of the Council is requested.

The House have passed,

No. 54, C. F. "A Bill to amend an Act, entitle an Act to organize the county of Marion, approved, June 16th 1845."

No. 31, C. F. "A memorial to Congress for an appropriation to improve the navigation of the Des Moines River."

And

No. 57, C. F. "A Bill to establish and confirm an alteration in the Wyoming Road."

The House have concurred in the amendments of the Council to No. 7, H. R. File. "A Memorial to Congress praying for an ap-

appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri in relation to the Southern boundary line."

Also, to

No. 31, H. R. File. "A Bill for the organization of the county of Appanoose.

The House have-rejected

No. 67, C. F. "A Bill to legalize the official Acts of Henry C. Smith, a Constable in the county of Davis."

I herewith return

An Act to repeal all laws now in force, allowing compensation to Military officers in this Territory.

Which has been signed by the Speaker of the House of Representatives.

And then he withdrew,

The President signed said Act.

Mr. Coop, from the Committee on Roads to which was referred a petition on the subject, reported

No. 75, C. F. "A Bill to relocate a Territorial Road from Fairfield in Jefferson county, to the Agency city, in Wapello county,"

Which was read a first time.

Mr. Coop, from the same committee, to which was referred a petition of sundry citizens of Linn and Benton counties, reported,

"No. 76, C. F. "A Bill to establish a Territorial Road from the Cedar Rapids to the falls of Cedar River, in Black Hawk county,"

Which was read a first time.

On motion of Mr. Abbe,

Ordered, That said bills be read a second time now by their titles.

Said Bills were then read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Bradley from the committee on Enrolled Bills, reported.

Nos.	34	Council	File.
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"	43	"	"
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"	45	"	"
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"	58	"	"
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As correctly enrolled.

Mr. Summers, on leave, introduced

No. 77, C. F. "A Bill to create the office of Territorial Printer, and to define his duties,"

Which was read a first time.

On motion of Mr. Coop,

Ordered, That said Bill be read a second time now by its title.

Said Bill was then read a second time, and

A motion was made by Mr. Abbe, that the same be referred to the committee on Territorial Affairs.

Pending which,

A motion was made by Mr. Leffler, that the Bill be laid upon the table and the usual number of copies of the same be printed.

To which the Council agreed.

Mr. Ross, from the committee on Engrossed Bills, reported.

Nos	60	Council	File.
"	62	"	"
"	63	"	"
"	64	"	"
"	68	"	"
"	73	"	"
"	74	"	"

As correctly engrossed.

Mr. Ross, on leave, introduced

No. 78, C. F. "A Bill to legalize acknowledgements of conveyances of real estate,"

Which was read a first time.

A motion was made by Mr. Hastings, that

No. 68, C. F. "A Bill to Divorce Joseph Hewit from his wife Jane Hewit,"

Be now read a third time.

To which the Council agreed.

Said Bill was then read a third time.

And the question being put,

Shall the Bill pass?

It was determined in the affirmative.

Yeas 10—Nays 2.

The Yeas and Nays being demanded,

Those who voted in the affirmative, were,

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Stephen-

son, Summers, Thompson, and Mr. President.

Those who voted in the negative, were,
Messrs. Ross. and Shelby.

So the Bill passed, and the title was agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Stephenson, on leave, introduced

No. 79, C. F. "A Bill to revive the sixteenth section of the first article of the law providing for the election of Justices of the Peace," approved Feb. 9th, 1843;"

Which was read a first time.

Mr. Thompson, on leave, introduced

No. 80, C. F. "A Bill to authorize the Clerk of the District Court for the county of Lee, to transcribe the Records of said Court,"

Which was read a first time.

On motion of Mr. Thompson,

Said Bill was read a second time, and ordered to be engrossed and read a third time on to-morrow.

No. 38, H. R. File, "A Bill to declare a certain Road in the county of Dubuque to be a Territorial Road, and to appoint Commissioners to locate a Territorial Road from Floyd's, in Dubuque county, *via* Colony, to Boardman's Precinct, thence in the direction of Fort Atkinson."

No. 39, H. R. File, "A Bill to authorize the Board of Commissioners of Clayton county, to change the name of Jacksonville, in said county."

No. 43, H. R. File. "A Bill defining the term of office of Constables."

No. 46, H. R. File. "A Bill to authorize Eliphalet Price, Judge of Probate in the county of Clayton, or his successors in office, to transcribe the Records of said Court."

No. 51, H. R. File, "Joint Resolution, providing for the adjournment of the Legislature, *sine die*,"

Were severally read a first time.

A motion was made by Mr. Hastings, that the Resolution last read be read a second time now.

To which the Council agreed.

Said Resolution was then read a second time.

A motion was then made by Mr. Bradley, to strike out the words "19th inst." and insert "14th inst."

And the question being put;

It was decided in the affirmative,

Yeas 12—Nays 0.—

Those who voted in the affirmative, were

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Ross, Shelby, Stephenson, Summers, Thompson, and Mr. President.

So the amendment was unanimously agreed to.

On motion of Mr. Hastings,

Ordered, That the 13th Rule be suspended, and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives therewith.

No. 70, C. F. "A Bill to authorize the Clerk of the District Court for the county of Van Buren to transcribe the Records of said Court:"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be engrossed and read a third time to-morrow.

No. 22, H. R. File, "A Bill to establish a Territorial Road in the counties of Jones and Delaware,"

Was read a second time.

On motion of Mr. Bradley,

Ordered, That said Bill be read a third time on to-morrow.

No. 45, H. R. "A Bill to legalize the act of Henry C. Smith,"

Was read a second time.

On motion of Mr. Shelby,

Ordered, That said Bill be read a third time on to-morrow.

No. 66, C. F. "A Bill relative to the recognizance of Witnesses in Criminal cases."

No. 62, C. F. "A Bill amendatory of an act, entitled an act for the limitation of actions," &c.

Were severally read a third time, passed, and their titles agreed

No. 63, C. F. "A Bill relative to imprisonment on indictment in in cases of Manslaughter,"

Was read a third time.

And the question being put, Shall the Bill pass?
It was determined in the affirmative.

Yeas 7—Nays 5.

Those who voted in the affirmative, were,
Messrs. Abbe, Brierly, Coop, Leffler, Ross, Shelby, and Thompson.

Those who voted in the negative, were,
Messrs. Bradley, Hastings, Stephenson, Summers, and Mr. President.

So the Bill passed, and the title was agreed to.

No. 64, C. F. "A Bill to provide for the election of additional Justices of the Peace in the town of Keokuk."

No. 73, C. F. "A Bill to amend an act, entitled "An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory."

No. 74, C. F. "A Bill to amend an act, relative to Proceedings in Chancery," approved Jan. 23, 1839;" and,

No. 34, H. R. File, "A Bill to authorize Abel Thompson to keep a Ferry across the Mississippi River."

Were severally read a third time, passed, and their title agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

No. 65, C. F. "A Bill for the relief of occupying claimants of Land," being the order of the day,

The Council resolved itself into a committee of the Whole Council for the consideration of the same, Mr. Leffler in the Chair.

After some time spent therein, the committee arose, and reported through their Chairman, that the committee had, according to order, had said Bill under consideration, and had stricken out all after the enacting clause, and directed him to report the same back, and ask the concurrence of the Council.

On motion of Mr. Summers,

Ordered, That said Bill, together with the report of the Committee, be laid upon the table.

Mr. Brierly, on leave, introduced,

No. 81, C. F. "A Bill relative to Bail in Criminal cases,"

Which was read a first time.

A motion was made by Mr. Bradley, to take from the table

No. 29, C. F. "A Bill to incorporate the Maquoketa Academy."

To which the Council agreed.

Said Bill was then taken from the table, read a third time, passed, and title agreed.

On motion of Mr. Leffler,

Ordered, That No. 7, C. F. "A Bill to provide for the expression of the opinion of the people, in relation to the formation of a State Government," be taken from the table, and referred to the Committee of the Whole Council, and made the order of the day for to-morrow.

On motion of Mr. Abbe,

The Council adjourned until to-morrow morning, 10 clock.

Wednesday Morning, January 7, 1846.

Mr. Coop, presented the petition of sundry citizens residing in the vicinity of Raccoon Forks of the Des Moines River, praying for a charter to be granted them to build a Dam across said river.

Ordered, That said petition be referred to the committee on Internal Improvements.

Mr. Bradley presented the petition of sundry citizens of Jackson county, praying an alteration in the present Road system.

Ordered, That said petition be referred to the committee on Roads.

Mr. Bradley presented the petition of sundry citizens of the town of Charleston, in Jackson county, asking the change of the name of said town to that of "*Sabula*,"

Ordered, That said petition be referred to a Select Committee.

Whereupon the President appointed,

Messrs. Bradley, Abbe, and Summers, said committee.

Mr. Abbe presented the petition of sundry citizens of Benton county, praying the organization of said county.

Ordered, That said petition be referred to the committee on New Counties.

Mr. Abbe presented the petition of sundry citizens of this Territory, praying a law to be passed, prohibiting the sale of Liquors

by the retail, unless complying with certain provisions the reinmen-
tioned.

Ordered, That said petition be referred to the committee on the
Judiciary.

Mr. Abbe presented the petition of sundry citizens of the coun-
ties of Linn and Jones, asking the repeal of a law locating a certain
Territorial Road in said counties.

Ordered, That said petition be referred to the committee on
Roads.

Mr. Ross on leave, introduced

No. 81, C. F. Resolution instructing our Deligate to obtain a
fourth Judicial district in this Territory,"

Which was read a first time.

Mr. Ross from the committee on claims, reported,

No. 83, C. F. "Joint Resolution for the payment of J. D.
Bourne,"

Which was read a first time.

Mr. Ross, from the Committee on Engrossed Bills, reported
Nos. 70, 71, 75, 76, and 80, as correctly engrossed.

Mr. Bradley, from the Committee on Enrolled Bills, reported
That the Committee presented to the Governor, for his approval
on yesterday,

"An act to repeal all laws now in force, allowing compensation
to military officers in this Territory."

Mr. Bradley, from the Select Committee, to which was referred
a petition on the subject, reported

No. 84, C. F. "A Bill to change the name of the town of Charles-
ton in Jackson county;"

Which was read a first time.

Mr. Summers, on leave, introduced

No. 85, C. F. "A Bill to vacate the town of Rockingham;"

Which was read a first and second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on
to-morrow.

Mr. Bradley, from the Committee on Enrolled Bills, reported
Nos. 31, 54, and 57, C. F. as correctly enrolled.

No. 78, C. F. "A Bill to legalize acknowledgments of conveyances of Real Estate;"

Was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

A motion was made by Mr. Hastings, to take from the table

No. 65, C. F. "A Bill for the relief of occupying claimants of Lands, together with the Report of the Committee of the Whole Council.

To which the Council agreed.

A motion was then made by Mr. Hastings, that the Council disagree to the report of the Committee.

The motion was lost.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to a Select Committee.

Messrs. Hastings, Thompson, and Coop, were appointed said Committee.

No. 79, C. F. "A Bill to revive the sixteenth section of the first article of the Law, providing for the election of Justices of the Peace;"

Was read a second time.

A motion was made by Mr. Stephenson, that said Bill be engrossed for a third reading on to-morrow.

The motion was lost.

A motion was made by Mr. Brierly, that said Bill be indefinitely postponed.

And the question being put;

It was decided in the affirmative,

Yeas 8—Nays 3.

Those who voted in the affirmative, were

Messrs. Abbe, Brierly, Coop, Leffler, Ross, Shelby, Summers, and Thompson.

Those who voted in the negative, were,

Messrs. Bradley, Hastings, and Stephenson.

So the Bill was indefinitely postponed.

No. 81, C. F. "A Bill relative to Bail in Criminal cases."

Was read a second time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 38, H. R. File, "A Bill to declare a certain Road in the county of Dubuque to be a Territorial Road, and to appoint Commissioners to locate a Territorial Road from Floyd's, in Dubuque county," &c.

Was read a second time.

A motion was made by Mr. Thompson, that the 13th Rule be suspended, and the Bill be read a third time now.

To which the Council agreed.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 43, H. R. File. "A Bill defining the term of office of Constables,"

Was read a second time.

Ordered, That said Bill be read a third time on to-morrow.

No. 46, H. R. File, "A Bill to authorize Eliphalet Price, Judge of Probate in the county of Clayton, or his successors in office, to transcribe the Records of said Court;"

Was read a second time.

On motion of Mr. Bradley,

The 13th Rule was suspended, and said Bill read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 39, H. R. File, "A Bill to authorize the Board of Commissioners of Clayton county to change the name of Jacksonville, in said county;"

Was read a second time.

Ordered, That said Bill be read a third time on to-morrow.

No. 70, C. F. "A Bill to authorize the Clerk of the District Court of Van Buren county to transcribe the Records of said Court."

No. 71, C. F. "A Bill supplementary to an act, entitled "An act to preserve good order in all worshipping congregations in this Territory."

No. 75, C. F. "A Bill to re-locate a Territorial Road from Fairfield, in Jefferson county, to Agency City, in Wappello county."

No. 76, C. F. "A Bill to establish a Territorial Road from Cedar Rapids to the Falls of Cedar River, in Black Hawk county."

No. 80, C. F. "A Bill to authorize the Clerk of the District Court

of Van Buren county, to transcribe the Records of said Court."

No. 22, H. R. File. "A Bill to establish a Territorial Road in the counties of Jones and Delaware;" and

No. 45, H. R. File, "A Bill to legalize the acts of Henry C. Smith,"

Were severally read a 3d time, passed, and their titles agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Hastings, on leave, introduced

No. 86, C. F. "A Bill concerning liens of Judgments;"

Which was read a 1st and 2d time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 7, C. F. "A Bill for the expression of the opinion of the people of this Territory, on the subject of the formation of a State Constitution," being the order of the day,

The Council resolved itself into a Committee of the Whole Council for the consideration of the same—Mr. Bradley in the Chair.

After some time spent therein, the Committee arose, and Mr. Bradley reported, that they had, according to order, had said Bill under consideration, and instructed him to report the same back to the Council without amendment.

On motion of Mr. Hastings,

Ordered, That said Bill be recommitted to the Committee on Territorial Affairs.

Mr. Shelby, on leave being granted, presented the petition of sundry citizens of Van Buren and Jefferson counties, praying the location of a Territorial Road therein named.

Ordered, That said petition be referred to the Committee on Roads.

On motion of Mr. Shelby,

Resolved, That the Secretary of the Territory furnish the Council at as early a day as practicable, the number of votes given in each county, for Delegate in Congress, at the last election.

On motion of Mr. Hastings,

The Council adjourned until to-morrow morning, 10 o'clock.

Thursday Morning, January 8, 1846.

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

MR. PRESIDENT:—

I am directed by the House to inform the Council that the House have passed.

No. 49, H. R. File. "A Bill to relocate a part of the Territorial Road leading from West Point in Lee county to Salem in Henry county;"

In which the concurrence of the Council is requested.

The House have passed

No. 47, C. F. "A Bill to Divorce Phebe E. Wilkie from her husband Thomas Wilkie."

No. 66, C. F. "A Bill to Divorce certain persons therein named."

No. 52, C. F. "A Bill to Divorce Jemima Snyder from her husband Nathaniel Snyder."

No. 49, C. F. "A Bill to Divorce Amelia Scanlin from her husband Thomas Scanlin."

No. 68, C. F. "A Bill to Divorce Joseph Hewit from his wife Jane Hewit."

And

No. 23, C. F. "A Bill to Divorce Joseph Hartley from his wife Ann Hartley."

The House have passed with amendments,

No. 41, C. F. "A Bill to Divorce Jessee Bringam from his wife Nancy Bringam."

I herewith return

A memorial to Congress on the subject of a Mail Route in the county of Washington, and

An Act to authorize the Governor to appoint Commissioners to take acknowledgments &c., in foreign States and Territories,

Which have been signed by the Speaker of the House of Representatives.

The House have disagreed to the amendment of the Council to No. 51. H. R. File, "Joint Resolution providing for the adjournment of the Legislature *sine die*."

And then he withdrew.

The President then signed the above Memorial and Act.

Mr. Abbe presented the petitions of sundry citizens of the Territory on the subject of retailing spirituous Liquors.

Ordered, That said petitions be referred to the committee on the Judiciary.

Mr. Brierly on leave, introduced

No. 87, C. F. "Joint Resolution for publishing the laws,"

Which was read a first time.

Mr. Brierly offered the following:

Resolved, That the Editor of the Miner's Express be employed to print the usual number of copies of the Journals of the Council of the present session, and that he be allowed the prices established by law.

A motion was made by Mr. Summers to lay said Resolution upon the Table;

The motion was lost.

A motion was made by Mr. Hastings, to strike out the words "Miners Express," and insert "Bloomington Herald."

Mr. Brierly called for a division of the question.

The question was then put, on striking out the words "Miner's Express;" and determined in the negative.

Yeas 2—Nays 10.

Those who voted in the affirmative were,

Messrs. Hastings and Summers,

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Coop, Leffler, Ross, Shelby Stephenson, Thompson, and Mr. President.

So the motion to strike out, was not agreed to.

A motion was then made by Mr. Leffler to lay the Resolution on the Table until to-morrow

The motion was lost.

A motion was made by Mr. Hastings, to strike out the words "Miners Express," and insert the words "Iowa Capitol Reporter."

Mr. Brierly called for a division of the question.

The question then recurred on striking out the words "Miners' Express,"

And being put,

It was determined in the negative,

Yeas 3—Nays 9.

Those who voted in the affirmative were,
Messrs. Hastings, Leffler, and Summers.

Those who voted in the negative were,
Messrs. Abbe, Bradley, Brierly, Coop, Ross, Shelby, Stephenson,
Thompson, and Mr. President.

So the motion to strike out was lost.

The question was then put on the adoption of the Resolution,
And decided in the affirmative.

Yeas 9—Nays 3.

Those who voted in the affirmative were,
Messrs. Abbe, Bradley, Brierly, Coop, Ross, Shelby Stephenson,
Thompson, and Mr. President.

Those who voted in the negative were,
Messrs. Hastings, Leffler, and Summers.

So the Resolution was adopted.

Mr. Bradley from the Committee on Expenditures reported,
No. 88, C. F. "A Bill for the relief of John H. McKinney,"
Which was read a first and second time"

On motion of Mr. Leffler.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Bradley on leave introduced.

No. 89, C. F. "A Bill for an Act to authorize the Clerk of the District Court of Jackson county, to transcribe the Records of said court,"

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Ross from the committee on Engrossed Bills, reported,
Nos. 78, and 85, C. F. as correctly engrossed.

Mr. Brierly from the Select committee to which was referred the proposals for leasing the Penitentiary, reported,

No. 90, C. F. "A Bill to lease the Penitentiary,"

Which was read a first time.

Mr. Shelby from the committee on the Judiciary, to which was referred,

No. 72, C. F. "A Bill to amend an Act entitled an Act, regulating Writs of Attachment, approved Feb. 16, 1843."

Reported the same back to the Council without amendment.

Also,

No. 86, C. F. "A Bill concerning Liens of Judgments,"

Which was referred to the same committee.

A motion was made by Mr. Hastings, that said Bill be engrossed and read a third time on to-morrow.

And the question being put,

It was decided in the negative.

Yeas 6—Nays 6.

Those who voted in the affirmative were,

Messrs. Coop, Hastings, Leffler, Summers, Thompson and Mr. President.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Ross, Shelby, and Stephenson.

So the motion was disagreed to.

On motion of Mr. Hastings,

Ordered, That said Bills be referred to a Select committee.

Messrs. Hastings, Thompson, and Summers, were appointed said committee.

Mr. Hastings from the Select committee appointed to confer with a similar committee on the part of the House, in relation to the disagreement of the two Houses, on the amendment of the Council to

No. 5, H. R. File, Reported that the majority of said committee of conference have agreed to recommend that the Council recede from the said amendment.

And the question being put,

Will the Council concur in the Report of the committee?

It was decided in the negative.

Yeas 4—Nays 8.

Those who voted in the affirmative were,

Messrs. Hastings, Leffler, Ross, and Summers.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Coop, Shelby, Stephenson, Thompson, and Mr. President.

So the report was not concured in.

Mr. Coop offered the following:

Resolved, That J. F. Kinney, the Secretary of the Council be, and he is hereby, authorized to superintend the publication of the Journals of the Council of the present session, and to index and distribute the same, for which service he shall be paid such sum as may hereafter be allowed by law.

On motion of Mr. Shelby,

Ordered, That said Resolution be laid upon the Table.

Mr. Shelby on leave introduced,

No. 91, C. F. "A Bill to provide for indexing, printing and distributing the Laws and Journals,"

Which was read a first time.

On motion of Mr. Shelby,

Ordered, That said Bill be read a second time now by its title.

Said Bill was then read a second time and referred to the committee of the whole Council, and made the order of the day for to-morrow.

Mr. Hastings on leave, presented the petition of the Regents of the Iowa City University, praying the Legislature to pass a memorial to Congress for a grant of a Township of Land in the Territory, for the use and purposes specified in said petition.

Ordered, That said petition be referred to a select committee.

Messrs. Hastings, Abbe, and Summers were appointed said committee.

Mr. Hastings from the Select committee to which was referred a petition on the subject, reported

No. 92, C. F. "A Bill to amend the sixth Article of the Charter of the Iowa City University."

Which was read a first time.

A motion was made by Mr. Summers that said Bill be rejected.

And the question being put;

It was decided in the affirmative,

Yeas 7—Nays 3.

Those who voted in the affirmative were,

Messrs. Bradley, Brierly, Coop, Ross, Shelby, Stephenson, Summers, Thompson, and Mr. President.

Those who voted in the negative were,
Messrs. Abbe, Hastings, and Leffler.

So the Bill was rejected.

The President laid before the Council a communication from the Hon. Jesse Williams, Secretary of the Territory, in compliance with a Resolution passed on yesterday, relative to the number of votes polled in the different counties at the last August election, for Delegate to Congress.

Said communication was read, and

On motion of Mr. Summers,

Ordered, That said communication be referred to the committee on Affairs.

Mr. Hastings on leave, reported,

No. 93. C. F. "A memorial for an appropriation of lands for the Iowa City University."

Which was read a first time.

A motion was made by Mr. Hastings, that said memorial be read a second time now.

To which the Council agreed.

The memorial was then read a second time.

A motion was made by Mr. Hastings that the memorial be engrossed and read a third time on to-morrow,

And question being put.

It was determined in the negative,

Yeas 6—Nays 6.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Brierly, Hastings, and Summers.

Those who voted in the negative were,

Messrs. Coop, Ross, Shelby, Stephensen, Thompson, and Mr. President.

So the motion was lost.

On motion of Mr. Hastings,

Ordered, That said memorial be laid upon the table.

No. 47. H. R. File, "A Bill to relocate a part of the Territorial Road leading from West Point, in Lee county, to Salem, in Henry county,"

Was read a first time.

No. 51. H. R. File, "Joint Resolution for the adjournment of

the Legislature *sine die*," being returned from the House of Representatives with the amendment of the Council disagreed to, was taken up, and

On motion of Mr. Bradley,
Ordered, That the Council insist upon their amendment.

No. 81, C. F. "A Bill relative to Bail in Criminal cases,"
Was read a second time.

On motion of Mr. Hastings,
Ordered, That said Bill be referred to the committee on the Judiciary.

No. 82, C. F. "Resolution instructing our Delegate to obtain a 4th Judicial District in this Territory,"
Was read a second time.

A motion was made by Mr. Ross, that said Resolution be engrossed and read a third time on to-morrow.

The motion was lost.

A motion was made by Mr. Hastings, that said Resolution be indefinitely postponed,

To which the Council agreed.

No. 83, C. F. "Joint Resolution for the payment of James D Bourne,"

Was read a second time.

On motion of Mr. Summers,
Ordered, That said Resolution be engrossed and read a third time on to-morrow.

No. 84, C. F. "A Bill to change the name of the town of Charleston, in Jackson county,"

Was read a second time.

On motion of Mr. Bradley,
Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 78, C. F. "A Bill to legalize acknowledgments of Conveyances of real estate,"

Was read a third time.

And the question being put,

Shall the Bill pass?

It was decided in the negative,

Yeas 3—Nays 8.

Those who voted in the affirmative, were
Messrs. Brierly, Ross, and Summers.

Those who voted in the negative, were
Messrs. Abbe, Bradley, Coop, Hastings, Lefler, Shelby, Thompson, and Mr. President.

So the bill did not pass.

No. 85, C. F. "A Bill to vacate a part of the town of Rockingham."

No. 39, H. R. "A Bill to authorize the Board of Commissioners of Clayton county, to change the name of Jacksonville, in said county, and,

No. 43, H. R. File. "A Bill defining the term of office of Constables,"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Hastings,

The Council adjourned until to-morrow morning, 10 o'clock.

Friday Morning, January 9, 1846.

Mr. Summers presented the petition of sundry citizens of the county of Scott, praying the passage of a law, to abolish capital punishment.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Summers presented the petition of some 300 citizens of Scott county, praying the passage of a law, to charter the "Scott County Hydraulic Company," without a repealing clause attached.

Ordered, That said petition be referred to a Select Committee.

Messrs. Summers, Abbe, and Thompson were appointed said Committee.

A message was received from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council, that the House have passed

No. 23, H. R. File, "A Bill to re-locate a part of the Territorial Road from Iowa City to the Seat of Justice of Mahaska county."

No. 49, H. R. File, "A Bill to amend an act, entitled 'An act concerning Water Craft found adrift, lost goods, and estray animals.'"

No. 52, H. R. File, "A Bill to re-locate a certain Road therein named."

No. 53, H. R. File, "A Bill to lay out and establish a Road from Brighton to Enos Darnells, in Keokuk county."

No. 54, H. R. File, "A Bill to locate a Road from Brighton to Jefferson county;" and

No. 65, H. R. File, "A Bill to provide for an expression of the opinion of the citizens of Dubuque county for and against Township organization."

In which the concurrence of the Council is requested

I herewith return,

"An act to amend an act, entitled 'An act to organize the county of Marion;'" approved June 10th, 1845.

"An act to establish and confirm an alteration in the Wyoming Road."

"Memorial to Congress for an appropriation to improve the navigation of the Des Moines River."

"An act to re-establish a part of a Territorial Road vacated by an act, approved Feb. 16, 1842."

"An act to repeal an act to authorize the Board of Commissioners of the county of Dubuque to levy a tax on all real and personal estate," approved May 26, 1845."

"An act requiring certain officers therein named to make their annual report to the Executive," and

"An act to appoint Commissioners to re-locate the County Seat of Keokuk county."

All of which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed the above Acts and Memorials.

Mr. Summers presented the petition of some 70 citizens of Clin-

ton county, praying a law to be passed, giving David W. Fisher, the privilege of building a Ware House on Water-street, in the town of Lyons, in said county.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Ross presented the remonstrance of sundry citizens of Keokuk county, against the re-location of the Territorial Road leading from Iowa City, to the County Seat of Keokuk county.

Ordered, That said remonstrance be laid upon the table.

Mr. Summers, from the Committee on Engrossed Bills, reported Nos. 83, 84, 88, and 89, as correctly engrossed.

Mr. Summers from the Committee on Enrolled Bills reported No. 23, 47, 49, 52, 66, and 68, C. F. as correctly enrolled.

Mr. Shelby, from the Committee on the Judiciary, to which was referred

No. 81, C. F. "A Bill relative to Bail in Criminal cases;"

Reported the same back to the Council and recommended its indefinite postponement.

The Report was disagreed to.

A motion was made by Mr. Shelby that the same be postponed until the 1st Monday in Dec. next.

And the question being put,

It was determined in the negative.

Yeas 4—Nays 7

Those who voted in the affirmative, were,

Messrs. Abbe, Bradley, Hastings, and Shelby.

Those who voted in the negative, were,

Messrs. Brierly, Coop, Leffler, Ross, Summers, Thompson, and Mr. President, so the motion was lost.

On motion of Mr. Leffler,

Ordered, That said Bill be referred to a Select Committee.

Whereupon the President appointed Messrs. Leffler, Coop, and Shelby, said Committee.

Mr. Leffler, from the Committee on Territorial Affairs, to which was referred

No. 7, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory, in relation to the formation of a State Constitution,"

Reported the same back to the Council with sundry amendments. The question being put, on concurring in the first amendment made by the Committee, wherein the 1st, 2d, 3d, and a portion of the 4th sections were stricken out.

It was determined in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative, were, Messrs. Brierly, Coop, Hastings, Leffler, Summers, Thompson, and Mr. President.

Those who voted in the negative, were, Messrs. Abbe, Bradley, Ross, and Shelby.

So the amendment was concurred in.

The 2d, 3d, 4th, and 5th amendments were severally read and concurred in.

The 6th amendment, striking out that portion of the Bill relative to the length of time the Convention should sit, and the pay of the members, so as to leave the time unlimited, and the pay subject to be regulated by law hereafter, being read,

The question was put,

Will the Council concur in the 6th amendment of the Committee?

It was determined in the negative.

Yeas 4—Nays 7.

Those who voted in the affirmative, were, Messrs. Brierly, Leffler, Summers, and Mr. Thompson.

Those who voted in the negative, were, Messrs. Abbe, Bradley, Coop, Hastings, Ross, Shelby, and Mr. President.

So the amendment was disagreed to.

A motion was made by Mr. Coop, to strike out the word "two" and insert "three" in the section regulating the apportionment, so as to give Jefferson county three Delegate in place of two.

To which the Council agreed.

A motion was then made by Mr. Summers to strike out "39" and insert "40," making the Convention consist of 40 Delegates.

Pending which,

A motion was made by Mr. Shelby, to amend said motion by inserting 41.

And the question being put,

It was decided in the negative.

Yeas 5—Nays 6.

Those who voted in the affirmative, were,

⌚ Messrs. Abbe, Coop, Ross, Shelby, and Thompson.

Those who voted in the negative, were,

Messrs. Bradley, Brierly, Hastings, Leffler, Summers, and Mr. President.

⌚ So the motion to insert 41 was lost.

The question then occurred on the motion made by Mr. Summers to insert 40.

And previous to the same being put,

Mr. Shelby moved a call of the Council;

And the Roll being called, Messrs. Brattain and Stephenson were found to be absent.

A motion was made by Mr. Shelby, that Mr. Brattain be excused.

To which the Council agreed.

⌚ A motion was made by Mr. Summers that Mr. Stephenson be excused.

And the question being put,

It was decided in the affirmative.

Yeas 6—Nays 5.

The yeas and nays being demanded;

Those who voted in the affirmative were,

Messrs. Coop, Hastings, Leffler, Summers, Thompson, and Mr. President.

Those who voted in the negative, were

Messrs. Abbe, Bradley, Brierly Ross, and Shelby.

So the Council excused Mr. Stephenson.

A motion was made by Mr. Abbe, that the Council adjourn until 2 o'clock P. M.

The motion was lost.

A motion was made by Mr. Hastings, that the further call of the Council be dispensed with.

To which the Council agreed.

Mr. Shelby moved a call of the Council,

And the Roll being called,

Messrs. Brattain and Stephenson were found to be absent.

Ordered, That Mr. Brattain be excused,

A motion was made by Mr. Hastings to dispense with a further call of the Council, and that the vote be taken on the motion to insert 40, in place of 39.

And the question being put,

It was decided in the negative,

Yeas 4—Nays 7.

The yeas and nays being demanded,

Those who voted in the affirmative, were

Messrs. Hastings, Leffler, Summers, and Thompson.

Those who voted in the negative were,

Messrs Abbe, Bradley Brierly, Coop, Ross, Shelby, and Mr. President.

So the further call was not dispensed with.

The Sergeant-at-Arms was then directed to require the attendance of the absentee.

After a short time, the absentee appearing, the further call of the Council was dispensed with.

The question was then put on striking out 39, and inserting 40, making the Convention consist of 40 Delegates.

And decided in the affirmative.

On motion of Mr. Leffler,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 87, C. F. "Joint Resolution for publishing the Laws,"

Was read a second time.

On motion of Mr. Summers,

Ordered, That said Resolution be referred to the committee on Territorial Affairs.

Mr. Hastings from the committee on Internal Improvements, reported;

No. 93, C. F. "A Bill to authorize Newton Lamb and Peter Newcomer to construct a Dam across the Des Moines River,"

Which was read a first time.

Ordered, That said Bill be read a second time now by its title.

Said Bill was then read a second time and referred to the committee on Incorporations.

A motion was made by Mr. Stephenson to reconsider the vote

taken yesterday, on disagreeing to the report of the committee of conference in relation to No. 5, H. R. File.

To which the Council agreed.

The question again recurred on agreeing to the Report of the committee,

And being put

It was decided in the negative.

Yeas 6—Nays 6.

The yeas and nays being demanded,

Those who voted in the affirmative, were,

Messrs. Brierly, Hastings, Leffler, Ross, Stephenson, and Summers.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Coop, Shelby, Thompson, and Mr. President.

There being a tie vote, the Report was again disagreed to.

On motion of Mr. Brierly,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 90, C. F. "A Bill to lease the Penitentiary,"

Was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the committee of the whole Council and made the order of the day for to-morrow.

No. 47, H. R. File, "A Bill to relocate a part of the Territorial Road leading from West Point, in Lee county, to Salem, in Henry county,"

Was read a second time.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended and the Bill be read a third time now.

The Bill was then read a third time, passed, and title agreed to

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 41, C. F. "A Bill to Divorce Jesse Bringham from his wife, Nancy Bringham,"

Being returned from the House of Representatives, amended, was taken up, and being under consideration,

A motion was made by Mr. Summers, that the Council agree to said amendment.

And the question being put,

It was decided in the affirmative.

Yeas 8—Nays 4.

The yeas and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bradley, Brierly, Coop, Leffler, Stephenson, Summers, Thompson, and Mr. President.

Those who voted in the negative. were,

Messrs. Abbe, Hastings, Ross, and Shelby.

So the amendment was agreed to.

No. 83, C. F. "Joint Resolution for the payment of James D. Bourne."

No. 84, C. F. "A Bill to change the name of the Town of Charleston, in Jackson county."

No. 88, C. F. "A Bill for the relief of John H. McKinney."

No. 71, C. F. "A Bill to authorize the Clerk of the District Court of Jackson county, to transcribe the Records of said Court."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

The following message was received from his Excellency, James Clarke, Governor of Iowa Territory.

Gentlemen of the Council,

and of the House of Representatives:

From information received from a reliable, though unofficial source, I learn that the Sheriff of Davis county, in the execution of a writ of attachment sued out of the office of the clerk of said county, against the property of an individual residing on the tract

of land in dispute between the State of Missouri and this Territory, was arrested some days or two weeks since by the authorities of Schuyler county, Missouri, on a charge of attempting to exercise the functions of his office within the organized limits of said State, and was only released upon executing security for his appearance at the next term of the court of said county of Schuyler. I further learn, also, that a few days subsequent to the occurrence just related, another attempt was made by a considerable body of men claiming to be citizens of Missouri to resist the execution of process by the Sheriff of Davis county, but without success; the Sheriff and his *posse*, in defiance of all threats and attempts at intimidation, and in the face of a superior force, having duly executed the writ, and secured the property attached.

I deeply regret that it becomes my duty to communicate to the Legislative Assembly this unpleasant intelligence. The fact that the Legislature of Missouri, in March last, enacted a law having for its alledged object the amicable settlement of the boundary difficulty in the Supreme Court of the United States authorized the belief that no attempt would be made on the part of the authorities of that State to enforce jurisdiction beyond her heretofore recognised boundary line until advised of the rejection of the proposed mode of adjustment by this Territory; and if not rejected, but assented to the extent of our control over the matter, (as I entertain no doubt it will be before the adjournment of the present Legislature,) until such time as a decision can be obtained in the manner and form suggested. It appears, however, that this expectation is not to be realized. Iowa, having exercised undivided jurisdiction over the country in dispute, so far as the same has been embraced within the limits of her organized counties, ever since her organization as a Territory, now nearly eight years, cannot be expected to relinquish her claim at the present moment, with the prospect of a speedy and final adjustment of the difficulty full in view. With us, it should be constantly borne in mind, the question is one of *maintenance* of boundary and jurisdiction, while with Missouri it is one of *encroachment* and *extension*. This distinction I conceive to be necessary to the correct appreciation of the true merits of the controversy, and important as serving to exonerate Iowa from responsibility for any unhappy consequences which may ensue.

A strong and energetic appeal to Congress for the speedy enactment of such a law as will authorize the litigation of the question in the federal courts at Washington will demonstrate the willingness of this Territory to settle the difficulty in an amicable spirit, and, at the same time, it is hoped, will call forth action of the character prayed for, by which future collision may be avoided. This step once taken, our control over the matter ends.

There is great reason to apprehend that the state of things which has existed on the theatre of dispute for the last year and upwards, cannot long continue without producing results of a more serious character than any that have yet taken place. With the lapse of time the causes of difficulty and collision may be expected to multiply, until a spirit of hostility is engendered between the parties which can scarcely fail to end in open conflict. The opposition of force to force, in the due execution of the laws, is an alternative which can only be justified after all pacifactory measures have been exhausted; and so far as the authorities of this Territory are concerned, I trust and believe no effort consistent with a just sense of our rights will be spared to avoid the necessity of resorting to such alternative. Still, it is respectfully submitted to the wisdom of the Legislature whether some precautionary measures should not be adopted to sustain the officers of the law in the discharge of their duty under all exigencies.

The Sheriff of Davis county, having executed security for his appearance at the next term of the Schuyler county court, which commences its session in April, it is but just and proper that counsel should be assigned him by the Territory. In the absence of any authority for the employment of such counsel, I respectfully recommend to the Legislative Assembly, the passage of a law empowering the Executive to employ counsel in this and other similar cases which may hereafter arise, and that the expenses of such legal services be made payable out of the Territorial Treasury.

JAMES CLARKE.

EXECUTIVE OFFICE, Jan. 9, 1846.

The message was read, and

On motion of Mr. Coop,

Ordered, That said message be referred to the committee on the Judiciary.

Mr. Hastings from the Select committee to which was referred, No. 72, C. F. "A Bill to amend an Act, entitled an Act, allowing and regulating writs of Attachment, approved Feb. 16th, 1843."

Reported the same back to the Council with one amendment.

The Report was concurred in.

On motion of Mr. Hastings,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

A motion was made by Mr. Shelby to take from the table

No. 59, C. F. "A memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and the State of Missouri," ✓

To which the Council agreed.

Said memorial was then taken from the table, read a second time, and ordered to a third reading on to-morrow.

Mr. Bradley from the Joint committee on Enrollments, reported that the committee had on this day presented to the Governor for his approval,

"An Act to appoint Commissioners to relocate the county seat of Keokuk county."

"An Act requiring certain officers therein named to make their annual Reports to the Executive."

"An Act to authorize the Governor to appoint commissioners to take acknowledgments, &c. in foreign States and Territories."

An Act to repeal an act, to authorize the Board of Commissioners of the county of Dubuque, to levy a Tax on all real and personal estate; approved May 26, 1845.

An Act to re-establish a part of a Territorial Road, vacated by an act, approved Feb. 16, 1842.

An act to establish and confirm an alteration in the Wyoming Road.

An Act to amend an act, entitled 'An act to organize the county of Marion, approved June 10, 1845.'

A Memorial to Congress, for an appropriation to improve the navigation of the Des Moines River; and

A Memorial to Congress, on the subject of a Mail Route in Washington county.

Mr. Hastings, from the Select Committee, to which was referred

No. 86, C. F. "A Bill concerning Liens of Judgments,"

Reported the same back with sundry amendments.

To which the Council agreed.

On motion of Mr. Hastings,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

A motion was made by Mr. Coop, to take from the table the Resolution, authorizing the Secretary of the Council to index, superintend the printing, and distribute the Journals of the Council of the present session.

The motion was lost.

No. 23, H. R. File, "A Bill to re-locate a part of the Territorial Road from Iowa City to the Seat of Justice of Mahaska county,"

Was read a first and second time.

A motion was made by Mr. Ross, that said Bill be laid on the table until the first Monday in Dec. next.

Pending which,

On motion of Mr. Hastings,

Ordered, That said Bill be laid upon the table.

No. 49, H. R. File, "A Bill to amend an act, entitled 'An act concerning Water Craft found adrift, lost goods, and estray animals.'"

Was read a first time.

No. 52, H. R. File, "A Bill to re-locate a certain Road therein named."

Was read a first and second time.

On motion of Mr. Brierly,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, the President appointed Messrs. Brierly, Thompson, and Summers said committee.

No. 53, H. R. File, "A Bill for an act to lay out and establish a Road from Brighton to Enos Darnell's in Keokuk county;"

Was read a first and second time.

On motion of Mr. Ross,

Ordered, That said Bill be read a third time on to-morrow.

No. 54, H. R. File, "A Bill to locate a Road from Brighton to Jefferson county,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said Bill be referred to the Committee on Roads.

No. 65, H. R. File, "A Bill to provide for an expression of the opinion of the citizens of Dubuque county for and against Township Organization,"

Was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Bill be read a third time on to-morrow.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council, that the House have passed

No. 57, H. R. File, "A Bill to divorce Andrew M. Ficke from his wife, Susan Ficke." Also,

No. 61, H. R. File, "A Bill for the relief of Samuel C. Read."

In which the concurrence of the Council is requested.

And then he withdrew.

No. 57, H. R. File, "A Bill to divorce Andrew M. Ficke from his wife, Susan Ficke,"

Was read a first and second time.

On motion of Mr. Summers,

Ordered, That said Bill be read a third time on to-morrow.

No. 61, H. R. File, "A Bill for the relief of Samuel C. Read,"

Was read a first and second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on Claims.

No. 91, C. F. "A Bill to provide for indexing, printing, and distributing the Laws and Journals," being made the order of the day

The Council resolved itself into a Committee of the Whole for the consideration of the same—Mr. Hastings in the Chair.

After some time spent therein, the Committee arose, and Mr. Hastings reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A motion was by Mr. Coop, to strike out "50," and insert "75," so as to allow the Secretary of the Council 75 dollars for preparing and indexing the Journals.

Pending which,

A division of the question was called for.

The question was then put on striking out "50," and determined in the affirmative.

Yeas 6—Nays 5.

The yeas and nays being demanded.

Those who voted in the affirmative were, Messrs. Abbe, Brierly, Coop, Hastings, Leffler, and Thompson.

Those who voted in the negative, were, Messrs. Bradley, Ross, Shelby, Summers, and Mr. President.

So the motion to strike out was agreed to.

The question then recurred on inserting 75 dollars.

And previous to its being put,

A motion was made by Mr. Brierly to amend the motion by inserting "100 dollars."

And the question being put,

It was decided in the negative,

Yeas 1—Nays 10.

Mr. Brierly voting in the affirmative.

Those who voted in the negative, were,

Messrs. Abbe, Bradley, Coop, Hastings, Leffler, Ross, Shelby, Summers, Thompson, and Mr. President.

So the motion was disagreed to.

The question was then put on inserting 75 dollars,

And decided in the negative.

Yeas 5—Nays 6.

Those who voted in the affirmative, were,

Messrs. Brierly, Coop, Hastings, Leffler, and Thompson.

Those who voted in the negative, were,

Messrs. Abbe, Bradley, Ross, Shelby, Summers, and Mr. President.

So the motion to insert 75 dollars was not agreed to.

A motion was then made by Mr. Summers, to fill the blank with 55 dollars.

And question being put,

It was determined in the affirmative.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on Monday next.

On motion,

The Council adjourned until to-morrow morning, 10 o'clock.

Saturday Morning, January 10, 1846.

Mr. Coop, on leave, introduced

No. 95, C. F. "Joint Resolution for the payment of J. H. Fisher,"

Which was read a first and second time.

On motion of Mr. Summers,

Ordered, That said Resolution be read a third time on Monday next.

Mr. Summers, from the committee on Enrollments, reported,

No. 41, C. F. As correctly enrolled.

Mr. Summers, from the Select committee, to which was referred a petition on the subject, reported,

No. 96, C. F. "A Bill to incorporate the Scott County Hydraulic Company;"

Which was read a first time.

On motion of Mr. Hastings,

Ordered, That said Bill be read a second time now.

Said Bill was then read a second time, and referred to the committee on Incorporations.

A Message from the House of Representatives, by Mr. Thompson their Clerk:

MR. PRESIDENT:—

I am directed by the House to inform the Council that the House have passed.

No. 59, H. R. File, "A Bill to establish a Territorial Road therein named,

In which the concurrence of the Council is requested.

Also, with amendment,

No. 42, C. F. "A Bill to amend an Act, entitled an Act, to Incorporate the town of Bloomington, approved, January, 23, 1839.

And,

No. 20, C. F. "A Bill to establish a Territorial Road from Fort Madison, in Lee county, to Mt. Pleasant, in Henry county.

In which the concurrence of the Council is requested.

Also, without amendment,

No. 51, C. F. "A Bill to establish a Territorial Road from Si-gourney, in Keokuk county, to Washington, in Washington coun-ty."

I herewith return,

"An Act to Divorce Joseph Hewit, from his wife Jane Hewitt."

"An Act to Divorce Phebe Elizabeth Wilkie from husband Thom-as Wilkie."

"An Act to Divorce Joseph Hartley, from his wife Ann Hartley."

"An Act to Divorce Jemima Snyder from, from her husband Na-thaniel Snyder."

"An Act to Divorce certain persons therein named,

And

"An Act to Divorce Amelia Scanlin from her husband, Thomas Scanlin."

Which have been signed by the Speaker of the House of Rep-resentatives.

I herewith present for your Signature,

"Memorial in regard to the reserved mineral lands."

"An Act to authorize Edmund C. Whipple & Co. to establish and keep a ferry across the Iowa and Cedar Rivers at the junction of said Rivers."

"A memorial to Congress praying an appropriation for the con-struction of a Public Wharf at the town of Keokuk."

"An Act to vacate a part of the Territorial Road from Wyoming to Moscow."

"Memorial to Congress for an appropriation to continue the Mili-tary Road leading from Burlington to Agency City."

And,

"An Act to lay out and establish a Territorial Road from Oska-loosa to Knoxville;"

Which have been signed by the Speaker of the House of Rep-resentatives.

And then he withdrew.

The President then signed said Acts and Memorials

Mr. Coop, from the committee on Roads, reported,

No. 97, C. F. "A Bill to locate and establish a Territorial Road

from Bushes' Mill in Jefferson county, to the Des Moines River in Van Buren county;"

Which was read a first time.

Mr. Brierly, from the Select committee, to which was referred, No. 52, H. R. File, "A Bill to relocate a certain Road therein named,"

Reported the same back to the Council with amendments.

The report was concurred in.

On motion of Mr. Brierly,

Ordered, That the 13th Rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Ross, from the committee on Engrossed Bills, reported

Nos. 7, 59, 72, and 86, C. F. as correctly engrossed.

Mr. Shelby, from the committee on Incorporations, to which was referred

No. 93, C. F. "A Bill to authorize Newton Lamb and Peter New-comer to construct a Dam across the Des Moines River;"

Reported the same back to the Council, and recommended its indefinite postponement.

The Report was concurred in, and the Bill indefinitely postponed.

Mr. Ross, from the committee on Claims, to which was referred

No. 61, H. R. File, "A Bill for the relief of Samuel C. Read;"

Reported the same back to the Council without amendment.

A motion was made by Mr. Ross, that the 13th Rule be suspended and the Bill be read a third time now, pending which

A motion was made by Mr. Summers, that the Bill be laid upon the Table.

The motion was lost.

The question was then put on suspending the Rule.

And decided in the negative.

On motion of Mr. Coop,

Ordered, That said Bill be read a third time on Monday next.

Mr. Thompson, from the committee on Agriculture, to which was referred

No. 48, C. F. "A Bill to prevent trespass upon fruit trees."

Reported the same back to the Council and asked to be discharged from the further consideration of the same.

A motion was made by Mr. Summers, that said Bill be indefinitely postponed.

And the question being put,

It was decided in the affirmative.

Mr. Hastings, on leave, presented the claim of Charles A. Robbins, for service rendered the counties of Wapello, Davis, and Iowa.

Ordered, That said claim be referred to the committee on Claims. No. 59, H. R. File, "A Bill to establish a Territorial Road therein named,"

Was read a first and second time.

On motion of Mr. Summers,

Ordered, That the 13th Rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

A motion was made by Mr. Coop, to reconsider the vote taken on yesterday on the question of concurring in the Report of the Committee of conference, in relation to the disagreement of the two Houses to the amendment made to No. 5, H. R. File.

The President decided said motion to be out of order, and gave his reasons at length;

Whereupon an appeal was taken from said decision.

And after debate.

On motion of Mr. Hastings,

Ordered, That said question of appeal be laid upon the Table until Monday next,

No. 20, C. F. "A Bill to establish a Territorial Road from Fort Madison to Mt. Pleasant,"

Being returned from the House of Representatives, amended, was taken up, and being under consideration,

A motion was made by Mr. Stephenson, that the Council disagree to said amendment.

To which the Council agreed.

No. 42, C. F. "A bill to amend an act entitled an act to incorporate the town of Bloomington," approved, January 23d, 1839, being returned from the House with amendments was taken up, the same read and concurred in by the Council.

No. 49, H. R. File, "A Bill to amend an act entitled an act concerning water craft found adrift, lost goods and estray animals,"

Was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be read a third time on Monday next.

No. 7, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa,"

Was read a third time.

On motion of Mr. Leffler,

Ordered, That said bill be referred to a select committee.

Messrs. Leffler, Thompson, and Bradley, were appointed said committee,

Which committee forthwith reported the same back to the Council with one amendment.

To which the Council agreed.

A motion was made by Mr. Summers, that the 13th rule be suspended, and the bill be read a third time now.

Pending which,

A motion was made by Mr. Stephenson, to lay said bill upon the table until Monday next.

The motion was lost.

The question was then put on suspending the 13th rule,

And decided in the affirmative.

Said bill was then read a third time, and the question being put.

Shall the bill pass?

It was determined in the affirmative,

Yeas 7—Nays 5.

Those who voted in the affirmative were,
Messrs. Brierly, Coop, Hastings, Leffler, Summmers, Thompson,
and Mr. President.

Those who voted in the negative were,
Messrs. Abbe, Bradley, Ross, Shelby, and Stephenson.

A motion was made by Mr. Leffler to amend the title of the same by striking out the present title and inserting the following: "A bill to provide for the election of Delegates to a Convention to form a Constitution and State Government;"

Pending which,

Mr. Shelby, move to amend said amendment by inserting the following: "A bill to force upon the people a Constitution and State Government without their consent."

The motion was lost.

The question was then taken on substituting the original amendment, and decided in the affirmative.

So the bill passed and its title was agreed to.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

No. 59, H. R. File, "A Bill to establish a Territorial road therein named."

No. 72, C. F. "A Bill to amend an act entitled an act allowing and regulating writs of attachment," approved, February 16th 1843.

No. 86, C. F. "A Bill concerning leins of judgments,"

And

No. 53, H. R. "A Bill for an act to lay out and establish a road from Brighton to Enos Darnell's, in Keokuk county,"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretatary acquaint the House of Representatives therewith.

No. 57, H. R. File, "A Bil to divorce Andrew M. Fickie, from his wife Susan Fickie,"

Was read a third time,

And the question being put,

Shall the bill pass?

It was decided in the affirmative,

Yeas 10—Nays 2.

Those voting in the affirmative, are

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Stephenson, Summers, Thompson, and Mr. President.

Messrs. Ross and Shelby, voting in the negative.

So the bill passed, and the title was agreed to.

No. 65, H. R. File "A Bill to provide] for an expression of the

people of Dubuque county, in relation to township organization,'

Was read a third time, passed, and title agreed to

Ordered, That the Secretary notify the House of Representatives thereof.

The Council resolved itself into a committee of the whole, for the consideration of

No. 90, C. F. "A Bill to lease the Penitentiary." Mr. Coop in the Chair.

After some time spent therein, the committee arose and through their Chairman, reported the same back to the Council with sundry amendments.

The report was concurred in.

Several amendments being made to the bill, it was

On motion of Mr. Coop,

Ordered to be engrossed for a third reading on Monday next.

A motion was made by Mr. Shelby, to take from the table,

No. 46, C. F. "A Bill to amend the act regulating practice in the District Courts."

The motion was lost.

Mr. Bradley, on leave introduced

No. 98, C. F. "A Bill for the relief of Thomas J. Pearce, Collector of taxes in Jackson county, for the year 1843."

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr. Stephenson.

The Council adjourned until Monday morning, 10 o'clock.

Monday Morning, January 12, 1846.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House have passed

No. 72, H. R. File, "A bill declaring a road herein named to be a Territorial road."

No. 70, H. R. File, "A bill to legalize the assessment for Iowa county."

No. 68, H. R. File, "A bill to lay out and establish a Territorial road from Iowa City to Fort Des Moines."

No. 69, H. R. File, "A bill to locate a Territorial road from Wapello, in Louisa county, to Augusta, in Des Moines county."

No. 66, H. R. File, "A bill to re-locate a Territorial road therein named."

No. 74, H. R. File, "Joint resolution on mail routes."

No. 56, H. R. File, "Joint Resolution asking an appropriation for a bridge on Skunk river, at Lowell, in Henry county, Iowa."

No. 60, H. R. File, "A bill to define a perch of mason work in the Territory of Iowa,"

And

No. 48, H. R. File, "A bill to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county."

In which the concurrence of the Council is requested.

The House have also passed,

No. 75, C. F. "A bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wapello county."

No. 29, C. F. "A bill to incorporate the Maquoketa Academy in Jackson county."

No. 50, C. F. "A Bill to authorize the County Commissioners of Jackson county, to establish the survey of a road in said county."

No. 89, C. F. "A Bill to authorize the Clerk of the District Court of Jackson county, to transcribe the records of said court,"

Without amendment.

No. 15, C. F. "A Bill supplementary to an act entitled an act regulating the mode of taking depositions, and to provide for the perpetuation of testimony,"

With an amendment.

No. 80, C. F. "A Bill for an act to authorize the Clerk of the District Court for the county of Lee to transcribe the records of said court,"

And,

No. 84, C. F. "A Bill to change the name of the town of Charleston, in Jackson county,"

Without amendment.

They have also passed with an amendment.

No. 71, C. F. "A Bill for a supplement to an act entitled an act to preserve good order in all worshipping congregations, in this Territory," approved, January 4, 1839.

In which the concurrence of the Council is requested.

I herewith present for your signature "An Act for the organization of the county of Appanoose."

"An Act to establish new counties and define their boundaries."

"An Act to establish a Territorial Road in the counties of Jones and Delaware."

"An Act to authorize the of County Commissioners to change the name of Jacksonville, in Clayton county."

"An Act to legalize the acts of Henry C. Smith."

"A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line."

And,

"Memorial to Congress for an appropriation to continue the Military Road, leading from Burlington, to Agency City,"

Which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said Acts and Memorials.

Mr. Coop, presented the petition and remonstrance of sundry citizens of Kishkekosh county, in relation to the county seat of said county,

Ordered, That the petition and remonstrance be referred to the committee on new counties.

On motion of Mr. Summers,

Ordered, That Mr. Coop, be added to said committee.

Mr. Coop, presented the petition of sundry citizens of Jefferson county, praying the location of a certain Territorial Road in said county.

Ordered, That said petition be referred to the committee on roads.

On motion of Mr. Summers,

Resolved, That the Committee on Military Affairs be instructed to report a bill to provide for the election of all military officers in this Territory in accordance with an act of Congress, approved, June 15, 1844.

Mr. Abbe, on leave introduced,

No. 99. C. F. "A Bill to legalize the survey of certain towns in Linn county,"

Which was read a first time.

Mr. Summers, from the committee on engrossed bills reported,

Nos. 90, 91, 95, and 98, C. F. as correctly engrossed.

Mr. Bradley, from the committee on enrollments, reported

Nos. 42 and 51, C. F. as correctly enrolled.

Mr. Bradley, from the Joint Committee on enrollments, reported that the committee had this day presented to the Governor for his approval, the following acts, to-wit :

"An Act to divorce certain persons therein named."

"An Act to divorce Jemima Snyder, from her husband Nathaniel Snyder."

"An Act to divorce Joseph Hartley, from his wife Ann Hartley."

"An Act to divorce Elizabeth Wilkie, from her husband Thomas Wilkie."

"An Act to divorce Joseph Hewitt, from his wife Jane Hewitt."

Also,

"An Act to divorce Amelia Scanlan, from her husband Thomas Scanlon."

Mr. Shelby, from the committee on the Judiciary, to which was referred a petition, praying the abolishment of Capital punishment, reported against the prayer of said petition.

The report was concurred in.

Mr. Shelby, from the committee on the Judiciary, to which was referred a petition of sundry citizens of Clinton county, in the vicinity of Lyons, asking a grant of land on Water street, in said town, for the building of a Ware House, reported that, in the minds of the committee there was a doubt existing, as to the right of the Legislature to grant said request.

On motion of Mr. Summers,

Ordered, That said Report be laid upon the table.

Mr. Shelby, from the committee on Incorporations, to which was referred.

No. 96, C. F. "A Bill to incorporate the Scott County Hydraulic Company,"

Reported the same back to the Council with two amendments.

The first amendment was concurred in.

A motion was made by Mr. Summers, that the Council disagree to the second amendment, which amendment consisted in attaching a repealing clause to the Bill.

Pending said motion

Ordered, That said Bill be laid on the table.

Mr. Hastings, on leave, introduced

No. 100, C. F. "A Bill to amend an Act entitled an act, for the organization of Townships,"

Which was read a first and second time.

On motion of Mr. Stephenson,

Ordered, That said Bill be referred to the committee on the Judiciary.

Mr. Stephenson, on leave, introduced

No. 101, C. F. "A Bill concerning Security,"

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That said Bill be referred to the committee on the Judiciary.

No. 97, C. F. "A Bill to locate and establish a Territorial Road from Bushe's Mill, in Jefferson county to the Des Moines River, in Van Buren county,"

Was read a second time.

On motion of Mr. Coop,

Ordered, That the 13th rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

No. 90, C. F. "A Bill to lease the Penitentiary,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 91, C. F. "A Bill to provide for printing, indexing and distributing the Laws and Journals,"

Was read a third time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the committee on the Judiciary.

No. 95, C. F. "Joint Resolution for the payment of J. H. Fisher,"

No. 98, C. F. "A Bill for the relief of Thomas J. Pearce, collector of Taxes in Jackson county, for the year 1843,"

And,

No. 49, H. R. File. "A Bill to amend an Act, entitled an Act concerning water craft found a drift, lost goods, and estray animals,"

Were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 61, H. R. File, "A Bill for the relief of Samuel C. Read,"
Was read a third time.

On motion of Mr. Abbe,

Ordered, That said Bill be laid on the table, subject to the order of the Council.

No. 72, H. R. File, "A Bill declaring a Road herein named, to be a Territorial Road,"

Was read a first and second time,

On motion of Mr. Bradley,

Ordered, That said Bill be read a third time on to-morrow.

No. 70, H. R. File. "A Bill to legalize the Assessment for Iowa County,"

Was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Bill be read a third time on to-morrow.

No. 68, H. R. File "A Bill to lay out and establish a Territorial Road from Iowa City, to Ft. Des Moines,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said bill be read a third time on to-morrow.

No. 67, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county."

Was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That said bill be referred to the committee on roads.

No. 66, H. R. File. "A Bill to relocate a Territorial Road therein named,"

Was read a first and second time.

On motion of Mr. Brierly,

Ordered that said Bill be read a third time on to-morrow.

No. 74, H. R. File, "Joint Resolution on Mail Routes,"

Was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Resolution be referred to a Select a committee.

Messrs. Hastings, Bradley, and Coop, were appointed said committee.

No. 56, H. R. File, "Joint Resolution asking an appropriation for building a bridge across Skunk river, at Lowell, in Henry county,"

Was read a first and second time.

On motion of Mr. Stephenson,

Ordered, That said Resolution be read a third time on to-morrow.

No. 60, H. R. File, "A Bill to define a perch of Mason work in the Territory,"

Was read a first time.

On motion of Mr. Leffler,

Ordered, That said bill be read a second time now.

Said bill was then read a second time.

A motion was made by Mr. Hastings, that said Bill be referred to the committee of the Whole Council and made the order of the day for Wednesday next.

The motion was lost.

On motion of Mr. Leffler,

Ordered, That said Bill be referred to the committee on Roads.

No. 48, H. R. File. "A Bill to locate a Territorial Road from Ottumwa, in Wapello county, to Bloomfield, in Davis county,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said bill be read a third time on to-morrow.

No. 71, C. F. "A Bill supplementary to an act entitled an Act, to preserve good order in all worshipping Congregations in this Territory,"

Being returned from the House with an amendment, was taken up, the same read and concurred in by the Council.

No. 15, C. F. "A Bill supplementary to an Act, entitled an Act, regulating the mode of taking Depositions, and to provide for the perpetuation of testimony,"

Being returned from the House with one amendment, was taken up, and

On motion of Mr. Bradley,

Ordered, That said bill be laid upon the Table until to-morrow morning.

Mr. Summers, being called to the Chair,

Mr. Hastings, from the Select committee, to which was referred No. 33, H. R. File, "A Bill to levy an additional Tax for Territorial purposes,"

Reported the same back to the Council without amendment.

On motion of Mr. Hempstead,

Ordered, That said Bill be referred to the committee on Finance.

Mr. Hempstead, on leave, introduced

No. 102, C. F. "A Bill for the relief of the Sheriff of Dubuque county,"

Which was read a first and second time.

On motion of Mr. Hempstead,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

The President announced a communication from the Governor on Executive business.

On motion of Mr. Hastings,

Ordered, That the Council resolve itself into an Executive session for the consideration of said communication.

The Council then resolved itself into an executive session, and after some time spent therein, in consideration of said communication, resumed its regular session.

The appeal from the decision of the President laid on the Table on Saturday last, in relation to the motion made by Mr. Coop, to reconsider the vote taken on the report of the committee of conference, in relation to the disagreement of the two Houses to the amendment to No. 5, H. R. File.

Was taken up, and being under consideration

Mr. Hastings asked leave to withdraw the same,
Leave was granted.

On motion,

The Council adjourned until to-morrow morning, 10 o'clock.

Tuesday Morning, January 13, 1846.

A message from the House of Representatives by Mr. Thompson-
their Clerk.

MR. PRESIDENT—

I am directed by the House to inform the Council that the
House have passed,

No. 64, H. R. File, "Joint resolution."

No. 75, H. R. File, "A Bill to declare a certain road therein na-
med, a Territorial road."

No. 77, H. R. File, "A Bill to amend the act regulating mills,
millers and for other purposes," approved February 3, 1843.

No. 79, H. R. File, "Joint resolution relative to a mail route."

In which the concurrence of the Council is requested.

They have also passed,

No. 70, C. F. "A Bill to authorize the Clerk of the District Court
in the county of Van Buren, to transcribe the records of said court."

I herewith present for your signature,

"An Act to declare a certain road in the county of Dubuque, to be
a Territorial road ; and to locate a Territorial road from Floyd's, in
said county, via. the Colony in Delaware county, to Boardman's pre-
cinct, in the county of Clayton, thence to the neutral ground."

"An Act defining the term of office of constables ;"

And,

"An Act to authorize Eliphalet Price, Judge of Probate Court, in
the county of Clayton, or his successors in office, to transcribe the
Records of said court,"

Which have been signed by the Speaker of the House of Repre-
sentatives.

The House have also passed,
No. 98, C. F. "A Bill for the relief of Thomas J. Pearce, Collector of taxes in Jackson county, for the year 1843."

I herewith return,

"An act to establish a Territorial road from Sigourney, in Keokuk county, to Washington, in Washington county."

"An Act to divorce Wm. H. Evans, from his wife Rachael Evans."

And,

"An Act to amend an act entitled an act to incorporate the town of Bloomington, approved, January 23, 1839."

Which have been signed by the Speaker of the House of Representatives.

The House have indefinitely postponed,

No. 63, C. F. "A Bill relative to imprisonment on indictments in cases of manslaughter."

The House have insisted on their amendment to

No. 70. C. F. "A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mt. Pleasant, in Henry county."

The House have appointed,

Messrs. Shelledy, Wilson, and Taylor, a Committee of Conference, on the disagreeing vote on the amendment of the Council to No. 51, H. R. File, "Joint resolution providing for the adjournment—of the Legislature *sine die*."

And then he withdrew.

The President signed said acts.

Mr. Ross, presented the petition of the Board of Commissioners of Washington county, praying the passage of a law authorizing said board to levy an additional tax in said county.

Ordered, That said petition be referred to a select committee.

Messrs. Ross, Bradley, and Stephenson, were appointed said committee.

Mr. Summers, from the committee on new counties, to which was referred the petition and remonstrance of the citizens of Kishkekosh county, in relation to the county seat of said county, reported a bill No. 103, C. F. Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Hastings, from the select committee to which was referred, No. 74, H. R. File, "Joint resolution on mail routes," reported the same back to the Council with an amendment.

To which the Council agreed.

Said resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Ross, from the committee on claims reported,

No. 104, C. F. "Joint resolution for the payment of C. A. Robbins, for seals."

Which was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

Mr. Bradley, from the committee on enrolled bills, reported

"An Act to change the name of the town of Charleston, in Jackson county.

"An Act to incorporate the Maquoketa Academy, in Jackson county."

"An Act to authorize the Clerk of the District Court for the county of Lee, to transcribe the records of said court."

"An Act to authorize the County Commissioners of Jackson county, to establish the survey of a road in said county."

"An Act to relocate a Territorial road from Fairfield, in Jefferson county, to Agency City,"

And,

"An Act to authorize the Clerk of the District Court for the county of Jackson, to transcribe the records of said court,"

As correctly enrolled.

Mr. Ross, from the select committee, to which was referred a petition on the subject reported,

No. 105, C. F. "A bill to levy a special tax in the county of Washington,"

Which was read a first and second time.

On motion of Mr. Ross,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Coop, from the committee on roads, reported
No. 106, C. F. "A Bill to locate a certain road therein named,"
Which was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said bill be read a third time on to-morrow.

Mr. Ross, from the committee on engrossed bills, reported
No. 102, C. F. as correctly engrossed.

Mr. Shelby, from the Committee on the Judiciary, to which was
referred a petition on the subject, reported

No. 107, C. F. "A Bill in relation to grocery license,"

Which was read a first and second time.

A motion was made by Mr. Summers, that said bill be indefinitely
postponed.

And then the question being put,

It was decided in the affirmative.

Yeas 8—Nays 4.

Those who voted in the affirmative were,

Messrs. Bradley, Brierly, Coop, Leffler, Stephenson, Summers,
Thompson, and Mr. President.

Those who voted in the negative were,

Messrs. Abbe, Hastings, Ross, and Shelby.

So the bill was indefinitely postponed.

Mr. Brierly, from the Committee on Finance, to which was re-
ferred,

No. 33, H. R. File, "A Bill to levy an additional tax for Territo-
rial purposes,"

Reported the same back to the Council with two amendments.

To which the Council agreed.

On motion of Mr. Brierly,

Ordered, That the 13th rule be suspended, and the bill be read
a third time now.

Said Bill was then read a third time.

And the question being put, shall the bill pass?

It was decided in the affirmative.

Yeas 7—Nays 5.

Those who voted in the affirmative were,

Messrs. Abbe, Brierly, Hastings, Leffler, Ross, Stephenson, and
Thompson.

Those who voted in the negative were,

Messrs. Bradley, Coop, Shelby, Summers, and Mr. President.

So the Bill passed and its title was agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Coop, from the Committee on Roads, to which was referred, No. 67, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county,"

Reported the same without amendments.

Ordered, That said Bill be read a third time on to-morrow.

Mr. Leffler, from the Committee on the Judiciary, reported back to the Council with an amendment,

No. 91, C. F. "A Bill to provide for printing, indexing and distributing the laws and journals."

The report was concurred in.

On motion of Mr. Summers.

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Hastings, from the Select Committee to which was referred, No. 53, C. F. "A Bill to change the time of holding the District Courts in this Territory,"

Reported the same back to the Council with amendments.

To which the Council agreed.

On motion of Mr. Hastings,

Ordered, That the usual number of copies of said bill be printed.

Mr. Leffler asked leave, which was granted, and introduced,

No. 108, C. F. "A Bill to change the name of Skunk river,"

Which was read a first and second time.

On motion of Mr. Leffler,

Ordered, That the 13th rule be suspended and the bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 99, C. F. "A Bill to legalize the survey of certain towns in Linn county,"

Was read a second time.

On motion of Mr. Abbe,

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

Said bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 102, C. F. "A Bill for the relief of the Sheriff of Dubuque county."

No. 48, H. R. File, "A Bill to locate a Territorial Road from Otumwa, in Wapello county, to Bloomfield, in Davis county."

No. 56, H. R. File. "Joint Resolution asking appropriation for a bridge over Skunk River, at Lowell, in Henry county,"

No. 66, H. R. File. "A Bill to relocate a Territorial Road therein named,"

No. 68, H. R. File, A Bill to lay out and establish a Territorial Road from Iowa City to Fort Des Moines,"

No. 70, H. R. File, "A Bill to legalize the Assessment for Iowa county."

No. 72, H. R. File. "A Bill declaring a Road herein named to be a Territorial Road,"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

A motion was made by Mr. Summers, to take from the Table

No. 96. C. F. "A Bill to incorporate the Scott County Hydraulic Company," together with the report of the committee in relation to the same.

To which the Council agreed.

Said Bill and Report were then taken from the table, and, the question being on concurring in the second amendment made by the committee, wherein a repealing clause was attached to said Bill.

And being put, it was determined in the affirmative.

Yeas 9—Nays 3.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Shelby, Thompson, and Mr. President.

Those who voted in the negative, were

Messrs. Ross, Stephenson and Summers.

So the Report was concurred in.

On motion of Mr. Summers,

Ordered, That said Bill be laid upon the table.

No. 64, H. R. File "Joint Resolution relative to the business of the two Houses,"

Was read a first and second time.

A motion was made by Mr. Summers that said bill be referred to the committee on Common Schools.

The motion was lost.

On motion of Mr. Hastings,

Ordered, That said Resolution be laid upon the Table.

No. 77, H. R. File "A Bill to amend an act regulating Mills and Millers, and for other purposes,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said Bill be read a third time on to-morrow.

No. 79, H. R. File. "Joint Resolution relative to a mail Route,"

Was read a first and second time.

On motion of Mr. Hastings,

Ordered, That said Resolution be referred to the committee on Roads.

A motion was made by Mr. Stephenson that a committee of conference be appointed in relation to the disagreement of the Council to the amendment of the House to

No. 20, C. F. "A Bill to establish a Territorial Road from Ft. Madison to Mt. Pleasant."

To which the Council agreed.

Messrs. Stephenson and Summers were appointed said committee.

A motion was made by Mr. Hastings, that the Council recede from their amendment, made to

No. 51, H. R. File, "Joint Resolution for the adjournment of the Legislature *sine die*,"

To which the Council agreed.

No. 75, H. R. File, "A Bill to declare a certain road therein named, a Territorial Road,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That the 13th rule be suspended and the Bill be read a third time now.

Said bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Shelby,
No. 61. H. R. File, "A Bill for the relief of Samuel C. Read,"
Was taken from the table.

Said bill being on its passage, the question was put, and decided in the affirmative.

Yeas 7—Nays 5.

Those who voted in the affirmative were,
Messrs. Brierly, Coop, Hastings, Leffler, Shelby, Stephenson and Thompson.

Those who voted in the negative were,
Messrs. Abbe, Bradley, Ross, Summers, and Mr. President.

So the Bill passed, and its title was agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Brierly, on leave introduced

No. 109, C. F. "Joint Resolution for the payment of the several Newspapers for publishing the Constitution,"

Which was read a first and second time.

On motion of Mr. Summers,

Ordered, That said Resolution be indefinitely postponed.

A motion was made by Mr. Shelby, to take from the table

No. 46, C. F. "A Bill relative to Practice in the District Courts,"

To which the Council agreed.

On motion of Mr. Abbe,

Ordered, That said Bill be indefinitely postponed.

The President, on leave, introduced,

No. 110, C. F. "A Bill to amend the Act defining crimes and punishments, approved 16th Feb. 1843."

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That the 13th Rule be suspended, and the Bill be read a third time now,

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Bradley,

The Council adjourned until to-morrow morning, 10 o'clock.

Wednesday Morning, January 14, 1846.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House have passed No. 78, H. R. File, "A Bill, supplemental to an act to establish new counties, and define their boundaries."

No. 83, H. R. File, "A bill to declare a certain Road therein named a Territorial Road."

No. 87, H. R. File, "Joint Resolution.

No. 88, H. R. File, "Joint Resolution, providing for a full set of Seals for the counties of Kishkekosh and Appanoose."

No. 84, H. R. File, "A Bill to vacate a part of the town of Franklin, in Lee county."

And,

No. 86, H. R. File, A Bill amendatory of an act, entitled "An act to incorporate the Iowa City University," approved, 2d June, 1845.

And

"Joint Resolution, providing for the printing of the laws."

In which the concurrence of the Council is requested.

They have also passed, with an amendment,

No. 61, C. F. "A Bill to incorporate the city of Dubuque."

In which the concurrence of the Council is requested.

They have also passed, without amendment,

No. 64, C. F. "A Bill to provide for the election of an additional Justice of the Peace in the town of Keokuk."

I herewith return,

"An act to incorporate the Maquoketa Academy, in Jackson county."

"An act to authorize the Clerk of the District Court for the county of Jackson to transcribe the Records of said Court."

"An act to change the name of the town of Charleston, in Jackson county."

"An act to authorize the Clerk of the District Court for the county of Lee to transcribe the Records of said Court."

"An Act to authorize the county Commissioners of Jackson county to establish the survey of a Road in said county."

And

"An Act to relocate a Territorial Road from Fairfield, in Jefferson county, to the Agency City, in Wapello county."

Which have been signed by the Speaker of the House of Representatives,

I herewith present for your signature.

"An act to divorce Andrew M. Fickie, of the county of Van Buren from his wife Susan Fickie"

"An act to relocate a part of a Territorial Road leading from West Point in Lee county, to Salem, in Henry county."

"An act to provide for an expression of opinion of the citizens of Dubuque county for and against Township organization."

"An act to establish a Territorial Road in Washington and Keokuk counties."

"An act to relocate a part of a Territorial Road in the county of Lee,"

And,

"An act to establish a Territorial Road therein named,"

Which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said Acts.

Mr. Coop presented three petitions of sundry citizens of Jefferson county, praying an alteration or amendment to the law, authorizing the organization of Townships.

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Ross, presented the remonstrance of sundry citizens of Washington county against levying a special Tax in said county.

Ordered, That said remonstrance be referred to the committee on the Judiciary.

Mr. Brierly presented the petition of Lee county, praying the location of a road from Franklin, in said county, to Salem, in Henry county.

Ordered, That said petition be referred to the committee on Roads.

Mr. Hastings presented the petition of sundry citizens of Keosauqua, in Van Buren county, asking an amendment to the charter of said town.

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Hastings presented the claime of Geo. S. Hampton for certain services rendered, as per Act, presented.

Ordered, That the same be referred to the committee on claims.

On motion of Mr. Brierly,

Resolved, That I. F. Kinney, Secretary of the Council be, and he is hereby authorized, to distribute the Journals of the Council of the present session.

Mr. Summers gave notice, that he would on to-morrow, introduce

A Bill to amend an Act, relative to Mechanics' Liens, and other purposes, approved 13th Feb., 1843.

Mr. Summers, from the committee on engrossed Bills, reported, Nos. 91. 104, 105, and 106, C. F. as correctly engrossed.

Mr. Coop, from the committee on Roads, reported

No. 111. C. F. "A Bill to lay out and establish a Territorial Road from Fairfield to Keokuk, in Lee county."

Which was read a first and second time.

On motion of Mr. Abbe,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Coop, from the committee on Roads, reported,

No. 112, C. F. "A Bill to establish a certain Territorial road therein named,"

Which was read a first and second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Bradley, from the committee on enrolled Bills, reported No. 70, 71, and 98, C. F. F. as correctly enrolled.

Mr. Leffler, from the committee on the Judiciary, to which was referred,

No. 103, C. F. "A Bill to establish the county seat of Kishkosh county,"

Reported the same back without amendment.

The Report was concurred in.

Ordered, That the 13th Rule be suspended and the Bill be read a third time now,

Said bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Bradley, from the Select committee, to which a petition was referred on the subject, reported

No. 113, C. F. "A Bill to locate the seat of Justice of Buchanan, county,"

Which was read a first and second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Bradley from the Joint committee on Enrollments, reported, that they had this day presented to the Governor for his approval.

An Act to amend an Act, entitled an Act, to Incorporate the town of Bloomington, approved Jan. 23d, 1839.

"An act to establish a Territorial Road from Sigourney, in Keokuk county, to Washington, in Washington county."

Also.

"An act to Divorce Wm. H. Evans from his wife Rachael Evans"

Mr. Coop, from the committee on Roads, to which was referred

No. 60, H. R. File, "A Bill to define a perch of Mason work in the Territory of Iowa,"

Reported the same back to the Council and recommended its passage.

On motion of Mr. Leffler,

Ordered, That said Bill be read a third time on to-morrow.

Mr. Leffler from the committee on the Judiciary, to which was referred

No. 100, C. F. "A Bill to amend an act entitled an Act, for the organization of Townships,"

Reported the same back to the Council without amendment.

The Report was concurred in.

On motion of Mr. Hastings,

Ordered, That the 13th Rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Bradley, on leave, introduced

No. 114, C. F. "A Bill to amend an Act, entitled an Act, regulating Practice in the District Courts,"

Which was read a first and second time.

On motion of Mr. Bradley,

Ordered, That the 13th Rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mo. Leffler, on leave, introduced

No. 115, C. F. "A Bill relative to District Prosecutors,"

Which was read a first and second time.

Ordered, That the 13th Rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

Mr. Thompson, from the Committee on Common Schools, reported back to the Council

No. 32, H. R. File, A Bill to amend an act, entitled "An Act to establish a system of Common Schools," with two amendments.

To which the Council agreed.

Ordered, That the 13th rule be suspended, and the Bill be read a third time now.

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Said Bill was then read a third time, passed, and title agreed to.
Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. Coop, from the Committee on Roads, to which was referred No. 79, H. R. File, "Joint Resolution, relative to a Mail Route," Reported the same back to the Council with one amendment.
To which the Council agreed.

Ordered, That the 13th Rule be suspended, and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 91, C. F. "A Bill to provide for printing, indexing, and distributing the Laws and Journals,"

Was read a third time, passed, and title agreed to.

A motion was made by Mr. Bradley, to re-consider the vote just taken on the passage of said Bill.

To which the Council agreed.

On motion of Mr. Summers,

Ordered, That said Bill be referred to a Select Committee.

Messrs. Summers, Bradley, and Leffler, were appointed said Committee.

No. 105, C. F. "A Bill to levy a special Tax in the county of Washington,"

Was read a third time.

On motion of Mr. Ross,

Ordered, That said Bill be referred to the Committee on Internal Improvements.

No. 106, C. F. "A Bill to locate a certain Road therein named."

No. 67, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county,"

Were severally read a third time, passed, and titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 77, H. R. File, "A Bill to amend an act regulating Mills, Millers, and for other purposes,"

Was read a third time.

On motion of Mr. Hastings,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 104, C. F. "Joint Resolution to pay Charles A. Robbins,"

Was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 78, H. R. File, "A Bill supplementary to an act, to establish new counties and define their boundaries,"

Was read a first and second time.

Ordered, That said Bill be referred to the Committee on New Counties.

No. 83, H. R. File, "A Bill to declare a certain Road therein named, a Territorial Road,"

Was read a first and second time.

Ordered, That the 13th rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 87, H. R. File. "Joint Resolution."

Was read a first and second time.

A motion was made by Mr. Ross, that said Resolution be indefinitely postponed.

And the question being put,

It was decided in the affirmative.

Yeas 7—Nays 3.

Those who voted in the affirmative, were
Messrs. Abbe, Brierly, Coop, Leffler, Ross, Summers, and Mr. President.

Those who voted in the negative, were,
Messrs. Bradley, Stephenson, and Thompson.

So the Resolution was indefinitely postponed.

Mr. Coop, on leave introduced,

No. 116, C. F. "Joint resolution for the distribution of the laws,"

Which was read a first and second time

On motion of Mr. Summers,

Ordered, That said resolution be referred to the Committee on Expenditures.

No. 88, H. R. File, "Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose,"

Was read a first and second time.

Ordered, That the 13th rule be suspended, and the resolution be read a third time now.

Said resolution was then read a third time, passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 84, H. R. File, "A Bill to vacate a part of the town of Franklin in Lee county,"

Was read a first and second time.

Ordered, That said bill be read a third time on to-morrow.

No. 86, H. R. File, "A Bill supplementary to an act to incorporate the Iowa City University,"

Was read a first and second time.

A motion was made by Mr. Summers, that said bill be referred to a select committee with instructions to report a repealing clause to the same.

And the question being put,

It was determined in the affirmative.

Yeas 6--Nays 5.

Those who voted in the affirmative were,
Messrs. Bradley, Coop, Ross, Stephenson, Summers, and Thompson.

Those who voted in the negative were,
Messrs. Abbe, Brierly, Hastings, Leffler, and Mr. President.
So the bill was referred.

Messrs. Summers, Hastings, and Coop, were appointed said committee, who forthwith reported the bill back with a repealing clause attached.

The Report of the Committee was concurred in.

Ordered, That the 13th rule be suspended and the bill be read a third time now.

Said bill was then read a third time, and the question being put.
Shall the bill pass?

It was decided in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative were,
Messrs. Abbe, Coop, Hastings, Leffler, Ross, Summers, and Mr. President.

Those who voted in the negative were,
Messrs. Bradley, Brierly, Stephenson, and Thompson.
So the bill passed, and its title was agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 65, H. R. File. "Joint resolution providing for the printing of the laws,"

Was read a first and second time.

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

Said resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 61, C. F. "A Bill to incorporate the city of Dubuque," being returned from the House of Representatives amended, was taken up, and being under consideration, a motion was made by Mr. Leffler, that the further consideration of the same be laid upon the table subject to the order of the Council.

To which the Council agreed.

On motion of Mr. Brierly,
The Council adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr. Brierly, presented the claims of R. W. Albright, H. B. Ray, and Nelson Pitkin,

Which were severally referred to the Committee on Claims.

Mr. Bradley, from the Committee on Expenditures, to which was referred,

No. 116, C. F. "Joint resolution for the distributing of the laws,"

Reported the same back to the Council with one amendment.

To which the Council agreed.

A motion was made by Mr. Stephenson, to strike out in said resolution the name of J. A. Galliher, and insert James R. Hartsock.

Mr. Summers, called for a division of the question.

The question was then put on striking out the name of J. A. Galliher, and determined in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative were,
Messrs. Abbe, Brierly, Hastings, Leffler, Ross, Stephenson, and Summers.

Those who voted in the negative were,
Messrs. Bradley, Coop, Thompson, and Mr. President.

So the name of J. A. Galliher, was stricken out.

A motion was made by Mr. Hastings, to insert the name of F. M. Irish.

And the question being put,

It was decided in the negative.

Yeas 3—Nays 8.

Those who voted in the affirmative were,
Messrs. Hastings, Leffler, and Summers.

Those who voted in the negative were,
Messrs. Abbe, Bradley, Brierly, Coop, Ross, Stephenson, Thompson, and Mr. President.

So the motion was lost.

A motion was then made by Mr. Summers, to reconsider the vote just taken on striking out the name of J. A. Galliher.

And the questing being put,

It was decided in the affirmative.

Yeas 7—Nays 4.

Those who voted in the affirmative were,
Messrs. Abbe, Bradley, Coop, Leffler, Summers, Thompson, and Mr. President.

Those who voted in the negative were,
Messrs. Brierly, Hastings, Ross, and Stephenson.

So the motion to reconsider was agreed to.

The question then recurred on striking out the name of J. A. Galliher, and inserting James R. Hartsock,

And being put,

It was decided in the negative.

Yeas 4—Nays 7.

Those who voted in the affirmative were,

Messrs. Brierly, Hastings, Ross, and Stephenson.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Coop, Leffler, Summers, Thompson, and Mr. President.

So the motion was lost.

A motion was then made by Mr. Hastings, to strike out the name of J. A. Galliher, and insert the name of Phillip Clarke.

And the question being put,

It was decided in the negative.

Yeas 2—Nays 9.

The yeas and nays being demanded.

Those who voted in the affirmative were,

Messrs. Hastings, and Ross.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Coop, Leffler, Stephenson, Summers, Thompson, and Mr. President.

So the motion was lost.

A motion was made by Mr. Ross, to strike out the name of J. A. Galliher, and insert the name of O. P. Organ,

And the question being put,

It was determined in the negative.

Yeas 1—Nays 10.

Mr. Ross, voting in the affirmative.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Stephenson, Summers, Thompson, and Mr. President.

On motion of Mr. Summers,

Ordered, That said resolution be engrossed, and read a third time on to-morrow.

Mr. Summers, from the Committee of Conference, appointed on the part of the Council to confer with a similar committee on the part of the House in relation to the disagreeing vote to the amendment made by the House to

No. 20, C. F. "A Bill to establish a Territorial road from Fort

Madison, to Mount Pleasant," reported that the committees had had the same under consideration and instructed him to report that the House have agreed to recede from their original amendment, and instructed him to report a new section as a substitute for their amendment.

The Report was concurred in.

Mr. Bradley, from the Committee on Enrolled Bills, reported, No. 64, C. F. as correctly enrolled.

A motion was made by Mr. Hastings, to take from the table, No. 61, C. F. "A Bill to incorporate the City of Dubuque," and consider the amendment made by the House to the same.

To which the Council agreed.

Said amendment was then under consideration, when Mr. Hastings offered a substitute therefor.

To which the Council consented.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Brierly,

The Council adjourned until to-morrow morning, 10 o'clock.

Thursday Morning, January 15, 1846.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council, that the House have passed

No. 69, H. R. File, "Joint Resolution providing for a set of Seals,"

No. 62. H. R. File, "A Bill providing for the relocation of the county Seat of Jones county."

No. 76, H. R. File, "A Bill for the organization of the counties of Jasper and Polk."

No. 91, H. R. File, "A Bill to locate a Territorial Road therein named."

No. 95, H. R. File. "Joint Resolution instructing the Secretary in regard to new counties.

No. 96, H. R. File, "A Bill to amend an Act, entitled an Act, to amend an Act, entitled an Act, concerning Grand and Petit Jurors approved February 15th, 1844."

In which the concurrence of the Council is requested.

Also, without amendment,

No. 102, C. F. "A Bill for the relief of the Sheriff of Dubuque County."

No. 99, C. F. "A Bill to legalize the Survey of certain Towns in Linn county."

No. 85, C. F. "A Bill to vacate a part of the Town of Rockingham.

No. 77, C. F. "A Bill to locate and establish a Territorial Road, from Bushe's Mill, in Jefferson county, to the Des Moines River, in Van Buren county."

I herewith return

An act for the relief of Thomas J. Pearce, Collector of Taxes in Jackson county, for the year 1843."

An act supplementary to an act, entitled an act, to preserve good order in all worshipping congregations in this Territory, approved January 4th, 1839."

An act to provide for the election of an additional Justice of the Peace in the Town of Keokuk.

An act to authorize the Clerk of the District Court for the county of Van Buren, to transcribe the records of said court

Which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

On motion of Mr. Ross,

Resolved, That the singing societies of this City, have the use of the Council chamber this evening to hold a public Concert in.

Mr. Stephenson, on leave, introduced

No. 117, C. F. "Joint Resolution, approving the Memphis Convention,"

Which was read a first and second time.

On motion of Mr. Summers,

Ordered, That the 13th rule be suspended and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Summers, from the committee on engrossed Bills, reported, Nos. 111, 112, 113, and 116, C. F. as correctly engrossed.

Mr. Hastings, from the committee on the Judiciary, reported No. 118, C. F. "A Bill to amend an Act to incorporate the city of Keosauqua."

Which was read a first and second time.

Ordered, That the 13th rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

Mr. Hastings, from the committee on Internal Improvements, to which was referred

No. 105, C. F. "A Bill to levy a special tax in the county of Washington."

Reported the same back to the Council and recommended its indefinite postponement.

The Report was concurred in, and the Bill indefinitely postponed.

Mr. Coop, from the committee on Roads, to which a petition was referred, reported

No. 119, C. F. "A Bill to locate a certain Territorial Road therein named,"

Which was read a first time.

Ordered, That said Bill be laid upon the table.

Mr. Bradley, from the Joint Committee on Enrollments, reported that they had this day presented to the Governor, for his approval,

An act to authorize the Clerk of the District Court for the county of Lee, to transcribe the Records of said Court.

An act to authorize the county Commissioners of Jackson county to establish the survey of a Road in said county.

An act to re-locate a Territorial Road from Fairfield, in Jefferson

county, to Agency City, in Wapello county.

An act to change the name of the town of Charleston, in Jackson county.

An act to authorize the clerk of the District Court for the county of Jackson, to transcribe the records of said Court.

And

An act to incorporate the Maquoketa Academy, in Jackson county.

Mr. Leffler, from the Committee on the Judiciary, to which was referred

No. 77, H. R. File, "A Bill to amend an act, regulating Mills, Millers, and for other purposes,"

Reported the same back to the Council, and recommended its passage.

A motion was made by Mr. Coop, that the Bill be read a third time now.

Pending which,

On motion of Mr. Leffler,

Ordered, That said Bill be laid upon the table subject to the order of the Council.

Mr. Summers, in accordance with previous notice, and leave granted, introduced

No. 120, C. F. "A Bill to amend an act, concerning Mechanics' Liens,"

Which was read a first and second time.

On motion of Mr. Hastings,

Ordered, That the 13th rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Coop, on leave, introduced

No. 121, C. F. "A Bill to legalize the acts of Samuel Shuffleton, as Notary Public of Jefferson county,"

Which was read a first and second time.

Ordered, That the 13th rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Ross, from the Committee on Claims, reported
No. 122, C. F. "Joint Resolution, for the relief of Geo. S. Hampton,"

Which was read a first and second time.

Ordered, That the 13th rule be suspended, and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and its title agreed to.

Mr. Summers, on leave, introduced

No. 123, C. F. "A Bill to authorize David W. Fisher, to build a Ware House in Lyons,"

Which was read a first and second time.

Ordered, That the 13th rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Mr. Hastings, on leave, introduced

No. 124, C. F. "A Bill for the relief of Muscatine county,"

Which was read a first and second time.

Ordered, That said Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

Mr. Bradley, from the Joint Committee on Enrollments, reported, that they had this day presented to the Governor, for his approval,

An act to provide for the election of additional Justices of the Peace in the town of Keokuk.

An act to authorize the Clerk of the District Court for the county of Van Buren to transcribe the records of said Court.

An act supplementary to an act, entitled an Act to preserve good order in all worshipping congregations in this Territory, approved January 4th, 1839.

An act for the relief of Thomas J. Pearce, collector of Taxes in Jackson county, for the year 1843.

Mr. Summers, from the Select committee, to which was referred, No. 91, C. F. "A Bill to provide for indexing &c., the Laws and Journals," reported,

No. 125, C. F. "Joint Resolution," as a substitute therefor,
Which was read a first and second time.

On motion of Mr. Summers,

Ordered, That the 13th rule be suspended and the Resolution be
read a third time now.

Said Resolution was then read a third time, passed, and its title
agreed to.

Ordered, That the Secretary notify the House of Representa-
tives thereof.

Mr. Stephenson presented the claim of A. P. Wood, for News-
papers furnished the Council during the present session.

Ordered, That said claim be referred to the committee on expen-
ditures.

Mr. Summers from the committee on New counties, to which wa-
referred

No. 78, H. R. File, "A Bill supplementary to an Act, to establish
New counties and define their boundaries."

Reported the same back to the Council without amendment.

On motion of Mr. Coop,

Ordered, That said bill be read a third time now.

Said bill was then read a third time, passed, and title agreed to.

No. 69, H. R. File. "Joint resolution for a full set of seals,"

Was read a first and second time.

Ordered, That the 13th rule be suspended, and the resolution be
read a third time now.

Said resolution was then read a third time, passed, and its title
agreed to.

Ordered, That the Secretary notify the House of Representatives
thereof.

No. 62, H. R. File, "A Bill providing for the re-location of the
county seat of Jones county,"

Was read a first and second time.

Ordered, That said bill be laid upon the table until to-morrow
morning.

No. 76, H. R. File, "A Bill for the organization of the counties
of Jasper and Polk,"

Was read a first and second time, and referred to the Committee
on new counties.

No. 91, H. R. File, "A Bill to locate a Territorial road therein named,"

Was read a first and second time.

On motion of Mr. Ross,

Ordered, That said bill be referred to the Committee on Roads.

No. 95, H. R. File, "Joint resolution," was read a first and second time.

On motion of Mr. Coop,

Ordered, That said resolution be referred to the Committee on the Judiciary.

No. 96, H. R. File, "A Bill to amend an act entitled an act to amend an act entitled an act concerning grand and petit jurors," approved, February 15th, 1844.

Was read a first and second time.

Ordered, That the 13th Rule be suspended and the bill be read a third time now.

Said bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 111, C. F. "A Bill to lay out a Territorial Road from Fairfield to Keokuk."

No. 112, C. F. "A Bill to establish a certain Territorial Road therein named."

No. 113, C. F. "A Bill to locate the seat of justice of Buchanan county."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 116, C. F. "Joint resolution for the distribution of laws,"

Was read a third time.

On motion of Mr. Summers,

The resolution by the unanimous consent of the Counsel, as amended so as to require Mr. Galliner to give security for the performance of said duty within 40 days from the time the laws are ready for distributing."

The resolution was then passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 60, H. R. File, "A Bill to define a perch of Mason work in the Territory of Iowa."

No. 84, H. R. File "A Bill to vacate a part of the town of Franklin in Lee county."

Were read a third time, passed, and their titles agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

A Message from the House of Representatives, by Mr. Thompson their Clerk:

MR. PRESIDENT:—

The House have passed, with amendments,

No. 7, C. F. "A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government."

In which the concurrence of the Council is requested,

And then he withdrew.

Said bill was then immediately taken up, the amendments of the House considered and agreed to.

Mr. Coop, on leave introduced,

• No. 126, C. F. "Joint resolution for the donation of Fort Des-moines, to Polk county,"

Which was read a first and second time.

Ordered, That the 13th rule be suspended, and said resolution be read a third time now.

Said resolution was then read a third time, passed, and title agreed to.

Mr. Stephenson, on leave introduced,

No. 127, C. F. "A Bill to change the name of Kishkekosh county,"

Which was read a first and second time.

A motion was made by Mr. Summers, to strike out the word "Monroe," and insert "Calhoun."

The motion was lost.

Ordered, That said bill be read a third time now.

Said bill was read a third time, passed, and title agreed to.

On motion of Mr. Hastings,

The Council resolved itself into a committee of the whole Council for the consideration of

No. 53, C. F. "A Bill fixing the term of the District Courts of this Territory."

Mr. Coop in the Chair.

After some time spent therein the Committee arose and reported through their Chairman, the bill back to the Council with sundry amendments.

To which the Council agreed.

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

Said bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

On motion of Mr. Summers.

The Council adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr. Summers, from the Committee on new counties, to which was referred,

No. 76, H. R. File, "A Bill for the organization of the counties of Jasper and Polk,"

Reported the same back to the Council with amendments.

To which the Council agreed.

Ordered, That said bill be read a third time now by its title.

Said bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Hastings,

Resolved, That J. F. Kinney, be, and he is hereby authorized to prepare the Journals of the Council of the present session for the press, and index the same, for which he shall be allowed the sum that may hereafter be fixed by the appropriation law.

Mr. Coop, from the Committee on roads, to which was referred,

No. 91, H. R. File, "A Bill to locate a Territorial Road therein named." Reported the same back without amendment.

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

Said bill was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Ross, from the Committee on Claims, reported,

No. 127, C. F. "Joint resolution for the payment of certain persons therein named,"

Which was read a first and second time.

On motion of Mr. Brierly,

The 13th rule was suspended and the resolution read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Coop,

The Council adjourned until to-morrow morning, 9 o'clock.

Friday Morning, January 16, 1846.

Mr. Summers offered the following:

Resolved, That the thanks of the Council be tendered to the Hon. Stephen Hempstead for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

The Resolution was unanimously adopted.

Mr. Bradley, from the committee on Enrolled Bills reported

Nos. 7, 85, 97, 99, and 102, as correctly enrolled.

Mr. Summers from the Select committee to which was referred, No. 27, C. F. "Joint Resolution for the payment of the committee appointed to examine the Penitentiary," reported

No. 128, C. F. "Joint Resolution" as a substitute therefor.

The Report was concurred in.

On motion of Mr. Leffler,

The 13th rule was suspended, and the Resolution was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Council, that the House have passed

No. 104, H. R. File, "Joint Resolution."

No. 73, H. R. File, "A Bill to provide for the payment of the claims of the creditors of the Territory."

No. 100, H. R. File, "A Bill to Divorce Mary Ann P. Bideman from her husband, Lewis Bideman."

No. 102, H. R. File. "Joint Resolution,"

No. 63, H. R. File. "A Bill to provide for the printing, publication and preservation of the decisions of the Supreme Court of Iowa Territory."

No. 103, H. R. File. "Joint Resolution."

No. 97, H. R. File. "Joint Resolution for a Mail Route."

No. 98, H. R. File. "Joint Resolution for an appropriation to improve the Territorial Road across the Mississippi Bottom between Toolsborough and the Mississippi River."

No. 90, H. R. File, "A Bill to authorize the Governor of Iowa Territory to employ Counsel in cases growing out of the disputed boundary between this Territory and the State of Missouri."

And

No. 92, H. R. File. "A Bill to locate a Territorial Road therein named."

In which the concurrence of the Council is requested.

The House have agreed to the amendment of the Council to

No. 61, C. F. "A Bill to Incorporate the city of Dubuque."

The House have rejected

No. 108, C. F. "A Bill to change the name of Skunk River."

The House have agreed to the amendment of the Council to

No. 20, C. F. "A Bill to establish a Territorial Road from Fort Madison, in Lee county, to Mt. Pleasant, in Henry county."

The House have passed with an amendment.

No. 59, C. F. "A memorial to Congress for the purpose of settling the question of Boundary between the Territory of Iowa, and the State of Missouri."

In which a concurrence is requested.

Also, without, amendment

No. 127, C. F. "A Bill to change the name of Kishkekosh county."

No. 72, C. F. "A Bill to amend an Act, entitled an Act, allowing and regulating writs of Attachment, approved Feb. 16th, 1843."

No. 126, C. F. "A Joint Resolution for the donation of Fort Des Moines to Polk county."

No. 125, C. F. "Joint Resolution providing for binding the laws, &c."

No. 121, C. F. "A Bill to legalize the acts of Samuel Shuffleton."

No. 117. "Joint Resolution approving of the late Memphis Convention."

No. 36, C. F. "A Bill to amend an act, entitled an act to district the Territory of Iowa, into electoral districts and to apportion the representation of each."

No. 104, C. F. "Joint Resolution to pay Charles A. Robbins."

No. 53, C. F. "A Bill fixing the terms of the District Courts in the Territory of Iowa."

And

No. 115, C. F. "A Bill relative to district Prosecutors."

I herewith present for your signature,

An act to relocate a Territorial Road therein named.

An act to declare a certain Road therein named a Territorial Road.

An act declaring a Road herein named to be a Territorial Road.

"An act to legalize the assessment of Taxes for Iowa county."

"Joint Resolution for the adjournment of the Legislature *sine die*."

"Joint Resolution asking an appropriation for a Bridge on Skunk River, at Lowell, in Henry County."

"An act for the relief of Samuel C. Reed."

"An act to locate a Territorial Road from Ottumwa, in Wapello county, to Bloomfield, in Davis county."

And

"An act to to levy an additional tax for Territorial purposes."

Which have been signed by the Speaker of the House of Representatives."

And then he withdrew.

The President then signed the above Acts, &c.

Mr. Leffler presented the claims of the Messrs. Palmer, of the Capital Reporter, for Newspapers, and incidental printing done for the present session of the Legislative Council, together with a communication in relation thereto.

Ordered, That said claim, with said communication, be referred to the Committee on Expenditures, with instructions to include the amount of said claim in the Appropriation Bill.

Mr. Coop, from the Committee on Roads, to which was referred No. 54, H. R. File, "A Bill to locate a Road from Brighton to Jefferson county,"

Reported the same back to the Council, and recommended its indefinite postponement.

The Report was concurred in, and the Bill indefinitely postponed.

On motion of Mr. Bradley,

No. 62, H. R. File, "A Bill providing for the re-location of the County Seat of Jones county."

Was taken from the table, read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Leffler, from the Committee on the Judiciary, to which was referred

No. 101, C. File, "A Bill concerning Security,"

Reported the same back to the Council with one amendment.

To which the Council agreed.

A slight amendment being made to the Bill, it was then read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

No. 104, H. R. File, "Joint Resolution,"

Was read a first and second time.

On motion of Mr. Summers,

The 13th rule was suspended, and the Resolution read a third time, passed, and title agreed to.

No. 73, H. R. File, "A Bill to provide for the payment of the claims of the creditors of the Territory,"

Was read a first and second time.

Ordered, That said bill be referred to the Committee on Public Buildings.

Mr. Hempstead, presented the claim of Messrs. Williams and Palmer for work done during the last session of the Legislature, and not included in the appropriation bill of said session.

Ordered, That said claim be referred to the Committee on Expenditures.

No. 100, H. R. File, "A Bill to divorce Mary Ann P. Bidaman from her husband Lewis Bidaman,"

Was read a first and second time.

On motion of Mr. Brierly,

Ordered, That said bill be laid on the table.

No. 102, H. R. File, "Joint Resolution,"

Was read a first and second time.

Ordered, That said resolution be laid on the table.

No. 63, H. R. File, "A Bill to provide for the printing, publication and preservation of the decisions of the Supreme Court,"

Was read a first and second time.

On motion,

The 13th rule was suspended, and the bill was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 103, H. R. File "Joint resolution,"

Was read a first and second time.

Ordered, That said resolution be laid upon the table.

No. 99, H. R. File, "Joint resolution for a mail route,"

Was read a first and second time.

Ordered, That the 13th rule be suspended and the resolution be read a third time now.

Said resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 98, H. R. File, "Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom, between Toolsborough, and the Mississippi river,"

And,

No. 90, H. R. File, "A Bill to authorize the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary of the Territory and Missouri,"

Were read a first and second time," and,

On motion,

The 13th rule was suspended and the bill and resolution be read a third time, passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

No. 92, H. R. File, "A Bill to locate a certain Territorial road therein named,"

Was read a first and second time.

On motion of Mr. Coop,

Ordered, That said bill be referred to the Committee on Roads.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I am directed to inform the Council, that the House have passed,

No. 11, C. F. "A Bill to repeal an act entitled an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April.

And,

No. 103, C. F. "A Bill to establish the seat of justice of Kishkosh county."

Also,

No. 81, H. R. File, "A Bill to amend an act entitled an act regulating grocery license," approved, January 4, 1840.

In which the concurrence of the Council is requested."

And then he withdrew.

No. 59, C. F. "Memorial to Congress for the purpose of settling the bounday question, &c."

Being returned from the House of Representatives with amendments, was taken up, the same read and concurred in by the Council.

Mr. Hempstead, on leave, introduced,

No. 129, C. F. "A Bill to amend an act subjecting real and personal estate to execution,"

Which was read a first and second time.

On motion of Mr. Hempstead,

The 13th rule was suspended and the bill read a third time.

The question being put,

Shall the bill pass?

It was decided in the affirmative.

Yeas 7—Nays 3.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Brierly, Coop, Stephenson, Summers, and Mr. President.

Those who voted in the negative were,

Messrs. Hastings, Leffler, and Ross.

So the bill passed and its title was agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Coop, from the Committee on roads to which was referred, No. 92, H. R. File, "A Bill to locate a Territorial Road therein named,"

Reported the same back and recommended its passage.

The Report was concurred in.

The 13th rule was then suspended, and the bill was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Brierly,

The 13th rule was suspended, and

No. 100, H. R. File, "A Bill to divorce Mary Ann P. Bidaman from her husband Lewis Bidaman,"

Was taken up, read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Hastings,

Resolved, That the Rev. William R. Woods, have the use of the Council Chamber for religious exercises each Sabbath until the next session of the Legislative Assembly of this Territory, or until the use of the same shall be required for public business, *Provided* the said Woods shall be responsible to the Territory for any damages that may have been done to said Chamber, or the furniture therein on account of such religious exercises in the same.

On motion of Mr. Coop.

Resolved, That the Committee on Expenditures be instructed to include in the appropriation bill, such sum as they may deem right for mileage and travelling expenses of the Hon J. S. Stephenson, in accompanying the remains of the Hon. Joseph M. Robertson, member of the House of Representatives to his late residence in Scott county.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I am directed to inform the Council, that the House have passed,

No. 62, H. R. File, "A Bill in relation to limited partnerships." In which the concurrence of the Council is requested,

And then he withdrew.

Mr. Bradley, on leave, introduced

No. 130, C. F. "Joint Resolution, which was read a first and second time and referred to the committee on Claims."

Mr. Bradley presented the account of the Post Master of Iowa city for postage on Letters and Documents, going to and from the members of the Council during the present session.

Ordered, That said account be referred to the committee on Expenditures.

On motion of Mr. Stephenson,

No. 17, C. F. "A Bill to regulate interest on money,"

Was taken from the table, and read a third time.

A motion was made by Mr. Hastings, that said Bill be indefinitely postponed.

And the question being put,

It was decided in the affirmative.

Yeas 8—Nays 2.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, Summers, and Mr. President.

Messrs. Ross, and Stephenson, voting in the negative.

So the Bill was indefinitely postponed.

No. 81, H. R. File. "A Bill to amend an act, entitled an act, to regulate Grocery License,"

Was read a first and second time.

A slight amendment being made to said Bill, the 13th rule was suspended and the same read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 62. H. R. File, "A Bill in relation to limited Partnerships,"

Was read a first and second time,

A motion was made by Mr. Coop, that the Bill be referred to the Judiciary committee.

The motion was lost.

A motion was made by Mr. Hempstead to amend said Bill by inserting to the first section the following *proviso*:

Provided, That nothing in this act contained shall be so construed as to authorize any partnership as provided by this act, to be framed for the purpose of carrying on the business of Banking."

To which the Council agreed.

On motion of Mr. Leffler,

The 13th Rule was suspended, and the Bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Coop.

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Summers, on leave, introduced

No. 131, C. F. "Joint Resolution,"

Which was read a first and second time,

Ordered, That the 13th rule be suspended and the Bill be read a third time now.

Said Resolution was then read a third time, passed, and title agreed to.

Mr. Hastings, from the committee on Public Buildings to which was referred.

No. 73, H. R. File, "A Bill to provide for the payment of the claims of the creditors of the Territory,"

Reported the same back to the Council without amendment, and recommended its passage.

The Report was concurred in

On motion of Mr. Leffler.

The 13th Rule was suspended and the Bill read a third time, passed, and title agreed to.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The President announced a communication from the Governor containing sundry appointments.

On motion of Mr. Hastings,

The Council resolved itself into an executive session, for the consideration of said communication.

After some time spent in consideration of the same, the Council resumed its regular session.

Mr. Bradley from the committee on enrolled Bills reported,

No. 11. and 59, C. F. as correctly enrolled.

Mr. Ross, from the committee on Claims, reported

No. 132, C. F. "Joint Resolution relative to the printing of the Act for a State Government,"

As a substitute for

No. 130. C. F. Which was read a first and second time.

On motion of Mr. Brierly,

The 13th Rule was suspended and the Resolution read a third time passed and title agreed to

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Ross, offered the following;

Resolved, That the Secretary of this Territory be authorized to pay Williams & Palmer, Editors of the Iowa Capital Reporter, ten dollars for printing for the last May session. out of any moneys now in his hands not otherwise appropriated.

On motion of Mr. Summers,

Ordered, That said Resolution do lie upon the table.

A Message from the House of Representatives, by Mr. Thompson their Clerk:

MR. PRESIDENT:—

I am directed to inform the Council, that the House have passed,

No. 90, C. F. "A Bill to lease the Penitentiary."

No. 123, C. F. "A Bill to authorize David W. Fisher, to build a Ware House."

No. 124, C. F. "A Bill for the relief of Muscatine county."

No. 106, C. F. "A Bill to locate a certain road therein named."

No. 112, C. F. "A Bill to establish a certain Territorial Road therein named."

No. 110, C. F. "A Bill to amend an act entitled an act defining crimes and punishments," approved, 16th February, 1843.

No. 21, C. F. "A Bill to establish a territorial Road from Franklin, in Lee county, to Mount Pleasant, in Henry county."

The House have passed,

No. 105, H. R. File, "A Bill to locate a Territorial Road therein named."

No. 107, H. R. File, "A Bill to amend an act entitled an act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," approved, February 9, 1843.

No. 109, H. R. File, "A Bill to authorize the County Commissioners of Marion county, to select grand and petit jurors."

No. 71, H. R. File. "A Bill to amend an act entitled an act relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties," approved, 13th February, 1843.

No. 64, H. R. File, "A Bill to amend an act entitled an act relative to divorce and alimony, and for other purposes."

No. 94, H. R. File, "A Bill for the organization of the county of Benton."

No. 101, H. R. File, "A Bill to authorize Isabel Crawford, to convey certain real estate."

No. 41, H. R. File, "Joint Resolution."

And,

No. 50, H. R. File, "A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes."

In which the concurrence of the Council is requested.

No. 105, H. R. File, "A Bill to locate a Territorial Road therein named,"

Was read a first and second time.

Ordered, That the 13th Rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 107, H. R. File, "A Bill to amend the Act providing for the election of Justices of the Peace, and prescribing their powers and duties, &c., approved Feb. 9th 1843."

Was read a first and second time.

On motion of Mr. Stephenson,

Ordered, That said Bill do lie upon the table.

No. 109, H. R. File, "A Bill to authorize the County Commissioners of Monroe county to select Grand and Petit Jurors,"

Was read a first and second time.

Ordered, That the 13th Rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

No. 71, H. R. File. "A Bill to amend an act, entitled an act, relative to the probate of Wills, Executors, Administrators, &c., and defining their duties. approved Feb. 13th, 1843."

Was read a first and second time.

Ordered, That said Bill be referred to the committee on the Judiciary.

No. 64, H. R. File, "A Bill to amend an act entitled an act, relative to Divorce, Alimony, and other purposes,"

Was read a first and second time.

Ordered, That the 13th Rule be suspended, and the bill be read a third time now.

Said Bill was then read a third time,

And the question being put,

Shall the Bill pass?

It was decided in the affirmative,

Yeas 3—Nays 2.

Those who voted in the affirmative were,
Messrs. Bradley, Brierly, Coop, Hastings, Leffler, Summers,
Thompson, and Mr. President.

Those who voted in the negative were,

Messrs. Ross and Stephenson.

So the bill passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 94, H. R. File, "A Bill for the organization of the county of Benton," was read a first and second time.

No. 101, H. R. "A Bill to authorize Isabella Crawford, to convey certain real estate,"

Was read a first and second time.

No. 41, H. R. File "Joint Resolution,"

Was read a first and second time.

Ordered, That the 13th Rule be suspended and said bills and resolution be read a third time now.

Said bills and resolution were then read a third time, passed, and their titles agreed to.

Ordered, That the Secretary acquaint the House of Representatives thereof.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I am directed to inform the Council, that the House have disagreed to the amendment of the Council, to

No. 62, H. R. File, "A Bill in relation to limited partnerships."

And then he withdrew.

No. 50, H. R. File, "A Bill to amend an act to provide for levying a tax on real and personal property, for road purposes,"

Was read a first and second time.

Ordered, That said bill be laid upon the table.

No. 62, H. R. File, "A Bill relative to limited partnerships," being returned from the House with the amendment of the Council disagreed to, was taken up, and

On motion of Mr. Leffler,

Ordered, That the Council recede from their amendment.

Mr. Hastings, from the Committee on the Judiciary, to which was referred,

No. 71, H. R. File, "A Bill to amend an act relative to probate, wills, executors, &c."

Reported the same back to the Council, and recommended its passage.

Ordered, That the 13th rule be suspended, and the bill be read a third time now.

Said bill was then read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

On motion of Mr. Brierly,

The Council adjourned until to-morrow morning, 10 o'clock.

Saturday Morning, January 17, 1846.

On motion of Mr. Summers,

Ordered, That the reading of yesterday's Journal, be dispensed with.

Mr. Bradley, from the Committee on Enrolled Bills, reported, Nos. 20, 21, 36, 53, 72, 91, 103, 104, 106, 110, 112, 115, 121, 123, 124, 125, 126 and 127, Council file, as correctly enrolled.

Mr. Coop, from the Committee on Military Affairs, to which was referred a resolution on Thursday last, instructing said Committee to report a bill to provide for the election of all military officers in this Territory, in accordance with an act of Congress, &c.

Reported that the Committee had carefully examined the same, and found it impossible at so late an hour of the session to give the subject that attention, which its importance requires.

Your Committee therefore ask to be discharged from the further consideration of the subject.

The Report was concurred in.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Council, that the House have passed,

No. 109, H. R. File, "A Bill to locate a part of the Territorial road in Muscatine and Cedar counties.

In which the concurrence of the Council is requested.

No. 111, C. F. "A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county."

No. 118, C. F. "A Bill to amend an act entitled an act to incorporate the city of Keosauqua."

No. 122, C. F. "Joint Resolution."

I herewith return,

"An Act to legalize the surveys of certain towns in Linn county."

"An Act for the relief of the Sheriff of Dubuque county."

"An Act to vacate a part of the town of Rockingham."

"An Act to locate and establish a Territorial road from Bushe's Mill, in Jefferson county, to the Des Moines river, in Van Buren county."

"An Act to provide for the election of Delegates to a Convention to form a Constitution and State Government."

The House have agreed to the amendments of the Council to

No. 81, H. R. File, "A Bill to amend an act entitled an act to regulate grocery license," approved, January 4, 1840.

I herewith return,

A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa, and the State of Missouri.

And,

"An Act to repeal an act entitled an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April."

Which have been signed by the Speaker of the House of Representatives.

I herewith present for your signature,

"An act for the organization of the counties of Jasper and Polk."

"Joint Resolution on mail routes."

"An Act to vacate a part of the town of Franklin, in the county of Lee."

"An act supplementary to an act, to establish new counties and define their boundaries."

"Joint Resolution providing for a set of Seals for the counties of Iowa, Marion, Jasper, and Polk."

"An act to locate a Territorial Road therein named."

"An act to amend an act, entitled an act, to amend an act, entitled an act, concerning Grand and Petit Jurors; approved, February 15th, 1844.

An act to declare a certain road therein named, a Territorial Road.

"Joint Resolution providing for a full set of Seals for the counties of Kishkekosh and Appanoose."

"Joint Resolution relative to Mail Routes."

An act to locate and establish a Territorial road from Iowa City to Fort Des Moines.

An act to amend an act entitled an act, concerning water craft, found adrift, lost goods, and estray animals.

An act to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county.

An act to define a Perch of Mason work in Iowa.

An act amendatory of an act, entitled an act, to incorporate Iowa City University, approved, 2d June, 1845.

Joint Resolution providing for the printing of the Laws.

Which have been signed by the Speaker of the House of Representatives.

The House have passed a substitute to the body of

No. 116, C. F. "Joint Resolution for distributing the laws of the present session.

In which the concurrence of the Council is requested.

The House have passed

No. 131, C. F. "Joint Resolution,"

And

No. 132, C. F. "Joint Resolution relative to the printing of the Act for a State Government."

And then he withdrew.

The President then signed said Acts, &c.

No. 109, H. R. File, "A Bill to relocate a part of a Territorial Road in Muscatine and Cedar counties,"

Was read a first and second time.

On motion of Mr. Abbe,

The 13th rule was suspended and the bill read a third time, passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

No. 116, C. F. "Joint Resolution providing for the distribution of the Laws,"

Being returned from the House of Representatives with an amendment, was taken up, and being under consideration,

Mr. Hastings moved a call of the Council, and the Roll being called, Messrs. Brattain, Leffler, Shelby, and Stephenson were found to be absent.

On motion, the absentees were excused.

A motion was made by Mr. Bradley, to reconsider the vote taken on excusing Mr. Leffler.

The motion was lost.

Ordered, That the further call of the Council be dispensed with.

A motion was made by Mr. Abbe, to disagree to the amendment of the House, which amendment consisted in striking out the name of Mr. Galliher and inserting the name of J. F. Irish.

And the question being put,

It was decided in the affirmative.

Yeas 6—Nays 3.

Those who voted in the affirmative were,

Messrs. Abbe, Bradley, Brierly, Coop, Thompson, and Mr. President

Those who voted in the negative, were

Messrs. Hastings, Ross, and Summers.

So the amendment was disagreed to.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

The House have passed,

No. 114, C. F. "A Bill to amend an act, entitled an act regulating practice in the District Courts of the Territory of Iowa.

Also with amendment,

No. 36, C. F. "A Bill concerning Liens on Judgments."

In which the concurrence of the Council is requested.

Also with amendment,

No. 113. C. F. "An act to locate the Seat of Justice of Buchanan county,"

In which, &c.

I herewith return 18 Acts, which have been signed by the Speaker of the House of Representatives.

And then he withdrew.

The President then signed said Acts.

No. 86, C. F. "A Bill concerning Liens of Judgments,"

Being returned from the House of Representatives, amended, was taken up, the amendment read and concurred in by the Council.

No. 113. C. F. "A Bill to locate the Seat of Justice of Buchanan county,"

Being returned from the House with an amendment, and the same being under consideration,

On motion of Mr. Bradley,

Ordered, That the Council agree to said amendment.

A message from the House of Representatives by Mr. Thompson their Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have indefinitely postponed.

No. 120, C. F. "A Bill relative to Mechanics' Liens,"

And insist upon their amendment to

No. 116, C. F. "Joint Resolution for distributing the Laws."

And then he withdrew.

A motion was made by Mr. Abbe, that a committee of conference be appointed to confer with a similar committee on the part of the House in relation to the disagreement of the two Houses to

No. 116, C. File.

To which the Council agreed.

Messrs. Abbe. and Coop, were appointed said committee.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I am directed to inform the Council, that the House have passed,

No. 110, H. R. File, "A Bill to authorize Susanna Cheney, of

Lee county, to convey certain real estate therein named.

In which the concurrence of the Council is requested.

The House have appointed Messrs. Brown, Downey and Flint a Committee of Conference to act with a Committee on the part of the Council on the disagreeing vote of the two Houses in regard to

No. 116, C. F. "A Bill, &c."

No. 110, H. R. File, "A Bill to authorize Susanna Cheney, to convey certain real estate therein named,"

Was read a first and second time.

On motion of Mr. Brierly,

The 13th rule was suspended, and the bill read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

A message from the House of Representatives, by Mr. Thompson their Clerk.

MR. PRESIDENT—

I herewith present for your signature sixteen acts, which have been signed by the Speaker of the House.

And then he withdrew.

Mr. Bradley, from the Joint Committee on Enrollments, reported that they had this day presented to the Governor for his approval.

"An Act to amend an act entitled an act defining crimes and punishments," approved, 16th February, 1843.

"An Act to repeal an act entitled an act to postpone the election of members of the House of Representatives, from August until April."

"A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa, and the State of Missouri."

"An Act to provide for the election of Delegates to a Convention to form a Constitution and State Government."

"An Act to amend an act entitled an act to district the Territory of Iowa into electoral districts, and to apportion the representation of each."

"An Act to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county."

"An Act to change the name of Kishkekosh county, to that of Monroe county."

"An Act to authorize David W. Fisher, to build a Ware House in the town of Lyons, in Clinton county."

"An Act to locate the county seat of Kishkekosh county."

And,

"A Joint Resolution to provide for binding the laws, &c."

"A Joint Resolution for the donation of Fort Desmoines, to Polk county."

"An Act for the relief of Muscatine county."

"An Act to vacate a part of the town of Rockingham."

"An Act to legalize the survey of certain towns in Linn county."

"An Act for the relief of the Sheriff of Dubuque county."

"An Act to locate and establish a Territorial road from Bushe's Mill, in Jefferson county, to the Desmoines river in Van Buren county."

"A Join Resolution approving of the late Memphis Convention."

"An Act fixing the terms of the District Courts, in the Territory of Iowa."

"An Act to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county."

"An Act to establish a certain Territorial road therein named."

"An Act relative to District Prosecutors."

"An Act to amend an act entitled an act allowing and regulating writs of attachment."

"An Act to lease the Penitentiary."

"A Joint Resolution to pay Charles A. Robbins."

"An Act to locate a certain road therein named."

"An Act to legalize the acts of Samuel Shuffleton."

Mr. Abbe, from the committee of conference, appointed to confer with a committee on the part of the House in relation to the disagreement of the two Houses to

No. 116, C. F. "Joint Resolution for the distribution of the Laws."

Reported, that a majority of said committee had agreed to recede from the amendment made in the House of Representatives to said Resolution,

The Report was concurred in.

A motion was made by Mr. Leffler, to take from the table, No. 50, H. R. File, "A Bill to alter and amend an act to provide for levying a Tax on real and personal property, for road purposes."

The motion was lost.

On motion of Mr. Abbe,

Resolved, That the President of the Council be allowed the sum of three dollars per day extra pay, for his services at the present session.

On motion of Mr. Thompson,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A message from the House of Representatives by Mr. Thompson, their Clerk.

MR. PRESIDENT:—

I am directed to inform the Council, that the House have passed,

No. 111, H. R. File "A Bill to provide for the compensation of members of the present Legislature, and for other purposes."

Also,

No. 112, H. R. File. "Joint Resolution."

In which the concurrence of the Council is requested.

The House have concured in the Report of the committee of conference on the disagreeing vote of the two Houses to

No. 116, C. F. "A Joint Resolution providing for the distribution of the Laws, &c.

And have appointed a new committee of Conference to act with a similar committee on the part of the Council in relation thereto, consisting of

Messrs. Downey, Hancock and Patterson,

I herewith present for your signature two acts.

Which have been signed by the Speaker of the House of Representatives, and then he withdrew.

The President then signed said Acts.

Mr. Bradley, from the committee on Enrolled Bills, reported.

No. 111, 114, 131, and 132, C. F. as correctly enrolled.

No. 111, H. R. File, "A Bill to provide for the compensation of the members of the Legislature and for other purposes."

Was read a first and second time.

On motion of Mr. Leffler,

The Council resolved itself into a committee of the whole Council for the consideration of said Bill.

After sometime spent therein in consideration of the same, the Committee arose and reported the same back to the Council with sundry amendments.

The report was concurred in.

Ordered, That said Bill be referred to the committee on expenditures

A message from the House of Representatives by Mr. Thompson their Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House of Representatives have passed

No. 83, C. F. "Joint Resolution for the payment of James D. Bourne."

And then he withdrew.

No. 112, H. R. File, "Joint Resolution,"

Was read a first and second time.

Ordered, That the 13th Rule be suspended, and the resolution be read a third time now.

Said Resolution was then read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

The President announced a communication from Hon. Jesse Williams, Secretary of the Territory.

Said communication was read and laid upon the Table.

A message from the House of Representatives by Mr. Thompson, their Clerk.

MR. PRESIDENT:—

I am directed to inform the Council that the House have rejected

No. 139, C. F. "A Bill to amend an act, entitled an act, subjecting real and personal estate to execution."

And then he withdrew.

Mr. Summers, on leave introduced,

No. 140, C. F. "Joint Resolution for the distribution of the Laws."

Which was read a first and second time.

On motion of Mr. Summers,

The 13th rule was suspended and the Resolution was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives by Mr. Thompson, their Clerk.

I herewith present several Acts for your signature.

And then he withdrew.

Mr. Bradley, from the committee on enrolled Bills, reported

No. 122, C. F. as correctly enrolled.

Mr. Bradley, from the committee on expenditures, to which was referred

No. 111, H. R. File, "A Bill to provide for compensation of the members of the present Legislature, and for other purposes."

Reported the same back to the Council with sundry amendments.

To which the Council agreed.

Several amendments being made to said bill,

A motion was made by Mr. Coop, to further amend the same by striking out "\$97 50" and inserting "\$75," in the paragraph allowing pay to William W. Barrows, for Maps furnished the Legislature at its last session.

Pending which,

A motion was made by Mr. Hastings, to amend the motion by inserting "\$78,"

And the question being put,

It was decided in the negative.

Yeas 3—Nays 7.

Those who voted in the affirmative were,

Messrs. Hastings, Summers, and Thompson.

Those who voted in the negative were,

Messrs. Abbe, Bradley, Brierly, Coop, Leffler, Ross, and Mr. President.

So the motion to amend the amendment was lost.

The question was then taken on the original amendment.

And decided in the affirmative,

Yeas 7—Nays 3.

Those who voted in the affirmative were,
Messrs. Abbe, Bradley, Brierly, Coop, Hastings, Leffler, and Mr. President.

Those who voted in the negative were,
Messrs. Ross, Summers, and Thompson.

So the amendment was agreed to.

On motion of Mr. Hastings,

The 13th rule was suspended, and the bill was read a third time, passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Bradley, from the Joint committee on Enrollments, reported that they had this day presented to the Governor for his approval.

A Joint Resolution relative to the distribution of the Laws.

An act to amend an act, entitled an act, regulating practice in the District Courts of the Territory of Iowa.

An act to lay out and establish a Territorial Road from Fairfield, in Jefferson county, to Keokuk, in Lee county.

Also a Joint Resolution relative to the printing the Act for a State Government.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House have passed with an amendment,

No. 140, C. F. "Joint Resolution for the distribution of the laws."

In which the concurrence of the Council is requested.

The House have concurred in the amendments made by the Council to

No. 111, H. R. File, "A Bill to provide for the compensation of the members of the present Legislature, and for other purposes."

The House have passed,

No. 106, H. R. File, "A Bill relative to re-locations of Territorial and county roads."

In which the concurrence of the Council is requested.

The House have indefinitely postponed.

No. 128, C. F. "Joint Resolution for the payment of E. W. Dain and Jacob Huner.

Mr. President, on leave being granted, introduced a petition relative to further protection to religious societies.

Ordered, That said petition be laid upon the table.

Mr. Bradley, from the Committee on Enrollments, reported as correctly enrolled,

"An act concerning liens of judgments."

"An act incorporating the city of Dubuque."

Also,

"From the Committee on Joint Enrollments, that he had this day presented to His Excellency the Governor,

"A Joint Resolution for the payment of J. D. Bourne."

"A Joint Resolution for the payment of George S. Hampton."

Mr. Bradley, from the Committee on Enrollments, reported as correctly enrolled,

"An act to amend an act entitled an act, to incorporate the city of Keosauqua."

Mr. Hastings, from the Committee on Internal Improvements, to which was referred,

No. 11, H. R. File, reported the same back, and recommended its indefinite postponement.

To which the Council agreed.

Mr. Hastings, from the Select Committee, to which was referred, No. 65, C. F. "A Bill for the relief of occupying claimants,"

Reported the same back to the Council.

Ordered, That said bill be laid upon the table.

Mr. Hastings, from the Select Committee, to which was referred, No. 56, C. F. reported the same back to the Council and recommended its indefinite postponement, to which the Council agreed.

No. 140, C. F. being returned from the House of Representatives with an amendment,

On motion of Mr. Coop,

The amendment of the House was amended by striking out the name of F. M. Irish, and inserting the name of J. A. Galliher.

Yeas 6—Nays 4.

The ayes and nays being demanded.

Those who voted in the affirmative were,
Messrs. Abbe, Bradley, Brierly, Coop, Thompson, and Mr. President.

Those who voted in the negative were,
Messrs. Hastings, Leffler, Ross, and Summers.
So the name of F. M. Irish was stricken out, and the name of J. A. Galliher inserted,

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

The House have refused to concur in the amendment of the Council, to the amendment of the House to

No. 140, C. F. "Joint Resolution for the distribution of the laws."

No. 106, H. R. File, was read a first and second time, and the rule suspended, and read a third time, and passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Leffler introduced,

No. 141, C. F. "A Bill relative to the distribution of the laws,"

Which was read a first and second time, and the rule suspended, and read a third time, and passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives thereof.

The following message was received from the House of Representatives, by Mr. Thompson, their Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed with amendment,

No. 139, C. F. "A Bill to amend and act entitled an act subjecting real and personal estate to execution,"

In which the concurrence of the Council is requested.

The House have passed,

No. 114, H. R. File, "A Joint Resolution,"

In which the concurrence of the Council is requested.

No. 139, C. F. "A Bill being returned from the House with an amendment, was taken up, and the amendment concurred in.

No. 114, H. R. File, "A Joint Resolution."

Was read a first and second time, and laid upon the table.

Mr. Bradley, from the Committee on Enrollments, reported the following :

I have this day presented to the Governor, for his approval,

"An act concerning liens of judgments."

"An act to amend an act entitled an act, to incorporate the city of Keosauqua."

"An act to incorporate the city of Dubuque."

On motion of Mr. Abbe,

The Council adjourned until Monday morning, 7 o'clock.

Monday Morning, January 19, 1846.

Ordered, That a Committee on the part of the Council be appointed, to wait upon his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn, *sine die*, and to ascertain if he has any more communications to make to them.

Whereupon, Mr. Summers was appointed said Committee.

Mr. Bradley, from the Joint Committee on Enrollments, reported, that they had, on Saturday, presented to the Governor, for his approval,

"An Act to amend an act, entitled 'An Act subjecting real and personal estate to execution,'" and

"An Act to locate the Seat of Justice of Buchanan county."

A Message from the House of Representatives, by Mr. Thompson, their Clerk:

Mr. PRESIDENT—

I am directed to inform the Council, that the House have appointed Messrs. Downey and Patterson a Committee on the part of the House, to act with a similar Committee on the part of the Council, to wait upon the Governor, and inform him, that the two Houses are now ready to adjourn *sine die*.

And then he withdrew.

Mr. Browne, a Committee from the House, was announced, and informed the Council that the House was now ready to adjourn *sine die*.

Mr. Summers, from the Committee appointed to wait upon his Excellency, reported, that the Committee had performed their duty, and that the Governor had no further communications to make to them.

A motion was made by Mr. Bradley, that the Council do now adjourn *sine die*.

Whereupon, the President arose, and addressed the Council as follows:

Gentlemen of the Council:

I am now called upon to discharge the last duty pertaining to station which, through your kindness, I have occupied during the past session, and, believe me when I say, that I do so with no ordinary feelings of emotion.

When I look around me, and reflect that we are about to separate, perhaps never to meet again this side of the grave, and that our daily intercourse with each other is about to cease, it brings to my mind feelings of gloom and sadness.

Our session has come to a close—our work is completed, and we are prepared to part in peace and kindness, and bid each other an affectionate farewell.

I now declare this Council adjourned without day.

The Council then adjourned *sine die*.

APPENDIX.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After the Journal is read, the following order shall govern :

- 1st—Petitions or memorials to be offered.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Communications on the President's table.
- 5th—Reports in possession of the Council, which offer grounds for a bill.
- 6th—Bills or other matters before the Council and unfinished the preceding day.
- 7th—The above business being despatched, the general file of bills and other papers will be then taken up agreeably to their first introduction into the Council.

STANDING RULES.

1. The Council shall choose by ballot, one of their own number to occupy the Chair. He shall be styled President, and shall hold his office during the session of the Council at which he was elected. He shall take the Chair at the hour to which the Council is adjourned, and call the members to order ; and, if a quorum be present, he shall direct the Journal of the preceding day to be read, and mis-

takes, if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In committee of the whole, he shall call some member to the chair; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President the Council may appoint a President *pro tem.* to occupy the chair during such absence.

2. Any member may have a call of the Council, and absent members sent for. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion) shall be put in this form:—"You who are of opinion (as the case may be) say aye; those of contrary opinion say no;" and, in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make any motion (except to adjourn, postpone, or commit,) he shall reduce the same to writing upon the request of the President or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and the President shall address the member entitled to the floor by name; and, when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received

but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend, or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and, until decided, shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No Committee shall absent themselves from the Council Chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage, but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading, on a peculiar day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall,

at the time previously appointed by the Council, announced the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole; and if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Council is equally divided on a question, the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpoenas issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

23. Petitions, Memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

24. Before a bill shall have passed the Council, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors, that may be discovered in the engrossed bill, shall make their report forthwith to the Council.

25. A Secretary and Assisting Secretary, shall be appointed, to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall ap-

pertain to his office. He shall let no journal, records, accounts or papers be taken from the table or out of his custody, other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President.

26. A Sergeant-at-arms, Messenger and Fireman shall be appointed, to hold their offices during the pleasure of the Council. It shall be their duty to attend the Council during its sittings, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

27. When a message shall be sent from the Governor to the Council, it shall be communicated to the chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of members and officers, to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Council when in Executive session.

31. Before acting on confidential or Executive business, the Council shall be cleared, by direction of the President, of all persons except the Secretary and Sergeant-at-arms.

32. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive Journal shall be published but by special order.

33. No member or officer shall read the newspapers within the bar of the Council while in session.

34. The President is authorized and required to administer all oaths prescribed by these rules.

35. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Council; and the question to adopt or reject may be immediately put on such resolution, or on motion of a member the same may be laid on the table.

3. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of three-fourths of the members present.

3. All bills brought into the Council by any member, or committee, shall be endorsed with the name of the member or committee ringing in the same.

3. When a member shall be called to order he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the president, subject to an appeal to the Council by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Council may be better enabled to judge of the matter.

3. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

4. The following officers and persons present and at any time during the sitting of the Council, shall be entitled to a seat within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Council, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

4. The rules of Parliamentary Practice comprised in Jefferson's Manual, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and Joint Rules of the Council and House of Representatives.

STANDING COMMITTEES.

On the Judiciary—Messrs. Shelby, Leffler, and Hastings.

On Finance—Messrs. Brierly, Ross, and Abbe.

On Internal Improvements—Messrs. Hastings, Stephenson and Bratton.

On Military Affairs—Messrs. Coop, Hastings, and Bradley.

- On Schools*—Messrs. Summers, Stephenson and Leffler.
On Roads—Messrs. Coop, Abbe and Brierly.
On Public Buildings—Messrs. Hastings, Brattain and Ross.
On Territorial Affairs—Messrs. Leffler, Summers and Bradey.
On Elections—Messrs. Abbe, Stephenson and Thompson.
On Engrossed Bills—Messrs. Summers, Brattain and Ross.
On County Boundaries—Messrs. Thompson, Coop, and Abbe.
On Claims—Messrs. Ross, Shelby and Brierly.
On Agriculture—Messrs. Thompson, Stephenson and Abbe.
On Expenditures—Messrs. Bradley, Coop and Stephenson.
On Incorporations—Messrs. Shelby, Ross and Coop.
On Enrolled Bills—Messrs. Summers, Leffler and Hastings.
On New Counties—Messrs. Summers, Thompson and Brattain.
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JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.
2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.
3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.
4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.
5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6 When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor, for his approbation, shall also in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

10. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without notice of five days and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

REPORT

From the Committee on the Judiciary.

The Committee on the Judiciary, to which was referred so much of the Governor's Message as relates to the disputed boundary between the State of Missouri and the Territory of Iowa, submit the following Report:

The question submitted to the Committee, is properly confined to the propriety of memorializing Congress to pass a law authorizing the Governor of Iowa to agree with the Governor of Missouri for the commencement and speedy determination in the Supreme Court of the United States, of such suit as may be necessary for the final adjustment of the southern boundary of the Territory. The question has presented considerable difficulty to the committee. The State of Missouri is a sovereign State, and as such, is not bound to answer in the Courts of the United States, to the Territory of Iowa, or any person or State less than a sovereign. The State of Missouri by act of her Legislature, approved 25th March, 1845, has manifested a disposition to settle the question of boundary amicably with the State of Iowa. This act was passed at a time when Missouri, believing that Iowa would soon take her place among the sovereign States of this Union, and it may be doubted whether the Governor of Missouri would feel himself authorized, under the law referred to, to enter into any agreement with the Governor of the Territory. If Missouri should consent to such an arrangement, the Supreme Court of the United States will not take cognizance of the matter without a special act of Congress for that purpose. And it may be questioned, whether Congress can give jurisdiction to the Supreme Court, for want of proper parties known to the constitution of the United States. But inasmuch as the State

of Missouri has manifested a disposition to settle the question of boundary in a peaceable and amicable manner, in the proper tribunal for adjusting difficulties between the States of this Union, it would seem right and proper on the part of this Territory, to manifest a like disposition, and make every effort which can legally be made, peaceably to adjust the vexed question of boundary. The Supreme Court of the United States, is the tribunal in which justice will be done to the parties according to the law and the testimony. If the tract of country in dispute, legally belongs to Missouri, no power can rightfully take it from her. If it is not legally hers, the Supreme Court cannot attach it to her.

The Committee, in the examination of this subject, have examined all the facts within their reach, which furnished testimony relative to our southern boundary, and from that examination, have no doubt of the justice and legality of the claim of the Territory to the tract of country in controversy, and believe there is no reason to fear the result in any tribunal, where the law and the testimony are examined before making a decision.

In the year 1816, John C. Sullivan, under the directions of the United States Surveyor General, run and marked a line, since known as Sullivan's or the old Indian boundary line, "*beginning on the Missouri river at the mouth of the Kansas, thence north one hundred miles, thence east to the Desmoines river.*" This line was run and marked, and its position well understood by the United States, and the citizens of Missouri, four years before Missouri was admitted into the Union. A plat of the survey was made and filed in the proper office. By this plat it was seen that the line running east, (as before described) would cross the Mississippi river at the Desmoines rapids. This survey formed the only basis for all subsequent legislation, Indian, &c., where boundaries were concerned, in the country through which it passed. In the year 1817, one year after this survey was made, the citizens of the Territory of Missouri, petitioned Congress to pass a law, authorizing them to form a constitution and State Government, in which petition they evidently looked to this survey of Sullivan's as the northern boundary of the State. In the petition the following language is used:—"That your petitioners live within that part of the Territory of Missouri, which lies between the latitudes 36 degs. 30

min. north, and 40 degs. north," this would take them about thirty miles south of Sullivan's line, but they evidently intended to run up to that line, where they say in the same petition, "these boundaries will include all the country to the north and west to which the *Indian title has been extinguished*." Sullivan's line being at that time the boundary between the United States and the Indians, the signers of this petition certainly looked to it as the utmost limits of the State northward, and believing it to be about thirty miles south of where it really is, at the fortieth degree of north latitude.

In the year 1820, Congress passed a law authorizing Missouri to form a Constitution and State Government, within certain limits. The western and northern boundaries are thus designated: "Where the said parallel is intersected by a *meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid north along the said meridian line, to the intersection of the parallel of latitude, which passes through the Rapids of the river Des Moines, making the said line correspond with the Indian boundary line; thence east from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the main channel of the main fork of the river Des Moines, to the mouth of the same, where it empties into the Mississippi river.*" The same boundaries are called for in constitution of the State of Missouri; and had been run and marked four years before by Sullivan, from the mouth of the *Kansas*, one hundred miles north to the northwestern corner of the State Missouri, and from thence, to the Des Moines river, as has been frequently recognized by the United States in treaties with the Indians, bordering on the State of Missouri. The State of Missouri was admitted into the Union in the year 1820; and in all her public acts, up to the year 1837, recognized the line as run by Sullivan in 1816, as her northern boundary—all her counties organized prior to the year 1837, were organized to Sullivan's line—all the maps of that State, published previous to that period, have Sullivan's line as their northern boundary. It was the settled conviction of all interested in that boundary, that it was fixed and determined, until the enterprising citizens of the United States, residing in the Territory of Iowa, had made the lands along the line valuable; and a few hungry speculators had cheated the Half-breeds of the Sauk

and Fox Indians out of the provision made for them by their friends in a treaty with the United States. If the Missouri line could be crowded higher up the Des Moines river, the Half-breed tract would be more than double. Then it was, that the question of boundary was agitated with a view to complete the speculation, by swindling the United States out of a large tract of country, or an immense sum of money.

The United States, by all their public acts, treaties with Indian tribes, &c., have uniformly recognized the northwest corner and the north line of Missouri as fixed and determined. The Surveyor General's Districts and the districts for the sale of the public lands, have been organized with reference to the northern boundary of the State of Missouri, and that without any other survey than that made by Sullivan in 1816. The public lands of the United States have been sold and patented as lying in the State of Missouri or the Territory of Iowa, as they chanced to be situated north or south of Sullivan's line. By a treaty made with the Sauk and Fox Indians in the year 1824, in the first article of the treaty, the boundary between the United States and the Indians is described as a line due east from the *north west corner of the State of Missouri to the Des Moines river*. It then provides in the third article, "that the small tract of land lying between the rivers Des Moines and the Mississippi, and the section of the above line between the Mississippi and the Des Moines is intended for the use of the Half-breeds belonging to the Sauk and Fox nations." If the northwest corner of Missouri is at the point one hundred miles due north from the mouth of the Kansas where it was placed by Sullivan, then Sullivan's line being intended to be a due east line from that point to the Mississippi, is the line that bounds the half breed tract; but if the northwest corner of Missouri is some ten or twelve miles north of the place marked by Sullivan, as claimed by Missouri, then a due east line from it to the Mississippi is the proper line to mark the boundary of this half-breed reservation; this would add to this reservation nearly one half the county of Van Buren, all of Lee and part of Des Moines. The United States have fully recognized Sullivan's line as the true line, by surveying and selling as the other public lands of the United States, all the land, north of Sullivan's line between the Des Moines and Mississippi rivers. If Sullivan's

line is not the true northern boundary of the State of Missouri, but is some miles north of it, then the United States by virtue of treaty stipulations with the Sauk and Fox Indians, are bound to compensate the half breeds of that nation for the lands sold and patented north of Sullivan's line, or bear the imputation of bad faith with a wretched handful of naked savages, although that remuneration should go into the pockets of the land sharks who have already eaten up all the provisions made for the half-breeds.

In a treaty with the Sauk and Fox Indians, concluded in the year 1824, (Wm. Clark a citizen of the State of Missouri acting as commissioner on the part of the United States,) after the stipulations of session, in designating the boundaries, Sullivan's survey is recognized in the following words,—*"By a line running from the Missouri at the entrance of the Kansas river north one hundred miles to the northwest corner of the State of Missouri, and from thence east to the Mississippi."* Then follows the stipulations in favor of the half breeds before referred to. In a treaty with the Iowas concluded in the same year, and by the same commissioner on the part of the United States, in the first article after the stipulations of cession, the boundaries are designated as a line *"Running from the Missouri at the mouth or entrance of the Kansas river, north one hundred miles to the northwest corner of the limits of the State of Missouri, and from thence east to the Mississippi."* Again, the third article of the same treaty reads, *"The Chiefs and head men who sign this treaty for themselves and in behalf of their tribes, do acknowledge that the lands east and south of the lines designated in the first article, (which has been run and marked by Col. Sullivan) so far as the Indians claimed the same, to belong to the United States."* By the beforementioned treaties concluded four years after the admission of Missouri into the Union, and without any other survey of the northern boundary than that made by Sullivan in the year 1816, the United States treats the northwestern corner, and the north line of Missouri as fixed and determined. If the northwestern corner of Missouri was fixed in the year 1824, it must necessarily be at the point designated in Sullivan's survey, as no other survey had been made up to that time. If the northwestern corner of Missouri be at the point fixed by Sullivan, then Sullivan's line is the true northern boundary of the State of Missouri. The points called for in both the treaties referred to are the same called for in the survey of Sul-

livan. If the northwestern corner and northern line of Missouri, were not looked upon as settled by the United States, it was a breach of good faith on their part to designate those points (well known to the Indians) as the boundaries, for by so doing, they acquired more land by the treaties than the Indians intended to sell. It has been the uniform practice of the United States, when treaties have been made with the Indians, to run and make the boundaries agreed upon. But in all the treaties with the Indians bordering on the State of Missouri, the northwestern corner, and north line of that State have been treated as settled and determined without any other survey than that made by Sullivan in the year 1816. The Indians were as well acquainted with the survey of Sullivan and the north line of Missouri, as they were with their creeks and rivers, and when the north line of Missouri was designated as their boundary, they, as well as all others, looked to the line, as run by Sullivan, as that boundary. Again, in the year 1833, by a treaty with the Sauk and Fox Indians, concluded at Rock Island, the northern boundary of the State of Missouri is referred to as fixed and known—again, in the treaty of 1837, with the same tribe, concluded at Washington city, is the same recognition. This survey of Sullivan is the only one made by the General Government, or the State of Missouri, until the year 1837, when the State of Missouri authorized the running and making of the line commonly known as Brown's line, notwithstanding the United States had uniformly recognized Sullivan's line as the north line of Missouri, by all her treaties with the Indians, (as we have seen,) and in many of them referred to the northwestern corner of Missouri, as being *one hundred miles north of the mouth of the Kansas river*, at the point where Sullivan placed the corner of the Indian boundary in 1816. If Brown's line be the true north line of the State of Missouri, the United States have cheated the Indians out of a considerable tract of country between the Missouri and Desmoines rivers, and been cheated out of a large tract of country east of the Desmoines in the Half-breed reservation.

From the foregoing it will be seen that the State of Missouri, up to the year 1837, looked to Sullivan's line as the extent of her limits northward—that all the legislative treaties with the Indians, and public acts of the United States relating to the country bordering on the State of Missouri up to the present time, has recognized Sulli-

van's line as the northern boundary of the State. Let us enquire if the act of Congress authorizing Missouri to form a Constitution and State Government, will warrant the conclusion that Sullivan's line was the line intended as the northern boundary of the State. As we have seen the survey was made and returned four years before the passage of the law, and was at the time the only actual survey in the northern part of Missouri, the point of intersection of the line with the Mississippi was laid down and not to be mistaken, and furnished the only data for Congress to legislate in relation to the country through which said line passes. From the plat of the survey, it was seen that the line would pass through the Desmoines rapids in the Mississippi; and presuming that the survey was accurate, the "parallel of latitude passing through the rapids of the river Desmoines," and Sullivan's line would be one and the same thing. The country at that time was a wilderness, and it was believed by the statesmen of that day, that it would remain a wilderness for half a century. The marks of Sullivan's survey might be entirely lost, and the corner forgotten. Hence Congress in the law in question used the words meridian from the mouth of the Kansas river, and the parallel of latitude passing through the rapids of the Desmoines, to designate the western and northern boundaries of the State, a mode of expression that time could not darken. The mouth of the Kansas and the Desmoines rapids in the Mississippi were as well known and as lasting as the Missouri and Mississippi. None of the maps of the western country of that day have any place marked on them as rapids in the river Desmoines, but all of them have marked "rapids Des Moines," "Des Moines rapids," &c., all meaning the rapids in the Mississippi river, near the mouth of the Desmoines to distinguish the place where the rapids were situated, as the rapids of "Rock river," "Rock river rapids," &c. meaning the rapids in the Mississippi river, near the mouth of Rock river. Had the act of Congress authorizing Missouri to form a Constitution and State Government, been placed in the hands of a Surveyor at the time of its passage, with instructions to run and mark the boundaries of the State, he would have first ascertained the parallel of latitude passing through the Desmoines rapids in the Mississippi river, without giving himself the trouble to search for a ripple in the Desmoines river, and then commencing at the south east corner, followed the

boundaries designated, until he intersected that parallel of latitude, and by so doing, he must necessarily place the northwest corner of the State at the point designated by Sullivan, and follow Sullivan's line to the Mississippi.

So little was known of the Desmoines river, and the country along it at the time of the admission of Missouri, that the Hon. John Scott, the then Delegate from the Territory of Missouri, who reported the bill authorizing Missouri to form a Constitution and State Government, speaking in relation to the northern boundary of the State says, "That all concurred that it would be useless to embrace that part of the country that would lie between the river Desmoines and the Mississippi, as it was but a *gore, a low flat willow bar of no value.*" Had enough been known of the Desmoines river to designate any point in it sixty miles from its mouth as a rapids, it would also have been known that the country between it and the Mississippi, was not a "*low willow bar of no value.*" The same person who could give the information in regard to the rapids, could have undeceived them in relation to the country along the river. The true reason why they did not cross the river, is, that Sullivan's line only extended to the Desmoines river, and with it to the mouth, and Congress intended that Sullivan's line should be the northern boundary of the State of Missouri.

If the rapids in the Mississippi, near the mouth of the Desmoines, known on all the maps, to Indian traders and boatmen, as the Desmoines rapids, will not answer the description called for in the law of Congress and the Constitution of Missouri, then we must look for a rapids in the Desmoines river, and the State of Missouri will be confined to the first considerable rapids in that river, which will be found a little below where Sullivan's line strikes the river. The fall in the river at this point is not so great, perhaps, as that at the great bend at Keosauqua, in the same number of rods, but being much longer, makes a greater rapids than that at the point contended for by Missouri. If we must search for a rapids in the Desmoines river, and can pass the first, the field is open to an indefinite extent. Missouri may choose between the rapids at Keosauqua, at Autumwa, and the Red Rock rapids, or some point still higher up, where the river has dwindled to a creek and ripples over the rocks in its bed.

From the foregoing facts, and inasmuch as the State of Missouri

has manifested a disposition to adjust the question of boundary in the Supreme Court of the United States—a tribunal where the law and the testimony will govern the decision, and not favoritism, expediency or policy, your committee recommend the passage of a memorial to Congress, asking the passage of a law to enable the Governor of the Territory to agree with the Governor of the State of Missouri, for the commencement and speedy termination of such suit as may be necessary to the final adjustment of our southern boundary.

COMMUNICATION.

SECRETARY'S OFFICE,
IOWA CITY, Dec. 31, 1845. }

To the Honorable,

Legislative Council,

GENTLEMEN:—I have the honor to acknowledge the receipt of a Resolution which passed the Council on the 29th inst., requesting me to inform that body of the amount of arrearages for Legislative expenses previous to the last session—also the amount of Legislative expenses of the last session *unpaid*, &c.

In answer I have to state that I am unable to report the exact amount of arrearages which existed prior to the May session—but believe that all the accounts have been paid of this character with the exception of about \$300, which has not as yet been presented for payment in due form. This of course does not include a claim of \$800, held by Wm. A. Bradford, for reporting and printing the reports of the Supreme Court, and for which no Legislative appropriation has ever been made.

The arrearages of the May session will not differ materially from the estimate contained in my letter to the Secretary of the Treasury of the 28th of July, a copy of which was transmitted to the Council on the 6th inst. In that estimate I did not include the item of binding the Laws and Journals of the May session, which

may be estimated at \$320. I also neglected to include the salary of the Territorial Librarian amounting to \$210. These items added to my estimate above alluded to, swells the aggregate amount of estimated arrearages to \$4,103 03. This estimate is not accurately correct, but enough so I flatter myself for all practical purposes.

After paying off *all* the arrearages, included in the above estimate, and which include all demands which properly exist against the Legislative Assembly, and which can be made payable out of the Legislative appropriations, there remains the sum of \$11,557 43 to pay the expenses of the present session.

The expenses of, and incidental to, the May session of thirty-eight days' continuance falls but little short of \$11,600. Taking this as a data we are enabled to form some idea of the cost of the present session.

Very respectfully,

I have the honor to be your

Very obedient servant,

JESSE WILLIAMS,

Secretary, &c.

REPORT.

AUDITOR'S OFFICE, IOWA,

IOWA CITY, Dec., 22, 1845. }

To the Honorable, the

Council and House of Representatives of the Territory of Iowa:

GENTLEMEN:—In conformity to the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled an act providing for the appointment and duties of Auditor of public accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report:

Warrants issued since the last Report of the Auditor bearing date 15th May, 1845:

For pay of Members and Officers of Territorial Convention,

To John Taylor, member of Convention	\$	102	00
" Enos Lowe,	"	102	00
" Elijah Sells,	"	96	00
" Thos. McKean,	"	90	00
" John W. Brookbank,	"	96	00
" James Clarke,	"	102	00
" Stephen B. Shelleday,	"	108	00
" Henry M. Salmon,	"	108	00
" William R. Harrison,	"	90	00
" Ebenezer Cook,	"	96	00
" Luman Strong,	"	90	00
" Shepherd Leffler,	"	180	00
" Samuel W. Durham,	"	80	00
" Warren Dodd,	"	75	00
" J. C. Blackenship,	"	108	00
" C. B. Campbell,	"	90	00
" Enoch Boss,	"	90	00
" Calvin Price,	"	108	00
" Richard B. Wycoff,	"	108	00
" John Hale,	"	108	00
" Stephen Hempstead,	"	108	00
" Joseph C. Hawkins,	"	102	00
" Charles Staley,	"	108	00
" S. B. Olmstead,	"	126	00
" Edward Langworthy,	"	198	00
" Francis Gehon,	"	108	00
" Michael O'Brien,	"	108	00
" John D. Wright,	"	102	00
" John Ripley,	"	102	00
" David Ferguson,	"	108	00
" Thomas Charleton,	"	105	00
" Paul Brattain,	"	102	00
" James M. Morgan,	"	96	00
" Elisha Cutler, jr.	"	102	00
" William D. McBride,	"	97	00
" Ephraim McBride,	"	189	00
" John Davidson,	"	306	00
" Samuel H. McCrory,	"	84	00
" Andrew Hooten,	"	102	00
" Henry Felkner,	"	84	00
" Geo. S. Hampton,	"	234	00
" Jessee Williams,	"	496	35
" A. B. Newcomb,	"	48	00
" F. M. Irish,	"	6	00
" Wesley, Jones,	"	4	88
" John Brown,	"	16	30
" Columbus C. Catlett,	"	7	50

To John Larue,	\$ 12 50	
" Robert Hutchinson,	24 00	
" Charles C. Sangster,	12 00	
<i>Fees of Sh'iffs & Clerks of District Courts.</i>		\$ 5335 53
To Henry Heffleman, Sh'ff Van Buren Co.,	\$ 17 79	
" do do as per act of Legislature.	50 00	
" Francis Thompson, for attending Sup. Court Deputy Sheriff,	25 50	
" David Hoge, fees as Clerk of Dis. Court.	13 50	
" James Davis, fees as Sheriff of Muscatine county,	50 00	
" James W. Tallman, fees as Sheriff of Cedar county,	50 00	
" Martin Harless, fees as late Sheriff of Louisa county,	50 00	
" James H. Epperson, fees as Dep. Srheiff to Supreme Court,	19 50	
<i>For pay of Military Officers.</i>		\$ 276 29
To O. H. W. Stull, salary as Adjutant General,	\$ 50 00	
" H. King, for services as Brig. Inspector,	64 00	
<i>For expenses of Penitentiary.</i>		\$ 114 00
To E. Wilson on account of Penitentiary,	\$ 9 00	
" Edward A. Layton, " "	84 62	
<i>For salary of Territorial Treasurer.</i>		\$ 93 62
To M. Reno, Treasurer,		150 00
<i>Contingent Expenses.</i>		
To A. P. Wood, for Auditor's Blanks,		8 00
To amount outstanding against the Territory 15th May, 1845, as per Auditor's Report.		\$ 5977 44
		12815 91
		\$ 18793 35

Warrants cancelled, and payments by the Territorial Treasurer,	\$1109 25	
Total amount in Treasury 10th Dec. 1845.	33 50	1142 75
		<hr/>
		\$ 17650 60

The following statement of the accounts with the several counties in the Territory will exhibit the probable resources of the Territory, as the means of discharging the amount of liabilities, now outstanding against the Territory.

<i>Treasurer of Muscatine County, Dr.</i>	
To Assessment for the year 1845,	\$ 362 79

<i>Treasurer of Clinton County, Dr.</i>	
To Assessment for the year 1844,	46 43
" " " " 1845,	58 16

<i>Treasurer of Henry County, Dr.</i>	
To Assessment for the year 1845,	313 84

<i>Treasurer of Mahaska County, Dr.</i>	
To Assessment for the years 1844-5,	55 43

<i>Treasurer of Clayton County, Dr.</i>	
To Assessment for the years 1844-5,	87 69

<i>Treasurer of Scott County, Dr.</i>	
To Assessment for the 1845,	200 69

<i>Treasurer of Jones County, Dr.</i>	
To Assessment for the year 1845.	39 81

<i>Treasurer of Jefferson County, Dr.</i>	
To Assessment for the year 1845,	240 56

<i>Treasurer of Washington County, Dr.</i>	
To Bal. due on Assessment for the year 1845,	30 70
" Assessment for the year 1845,	167 44

<i>Treasurer of Linn County Dr.</i>	
To Assessment for the year 1845, \$227 01	
By Treasurer's receipt Cr. 7 38	219 63

<i>Treasurer of Louisa County, Dr.</i>	
To bal. due on Assessment for the year 1844.	102 36
" Assessment for the year 1845,	197 57

<i>Treasurer of Delaware County, Dr.</i>		
To bal. due on Assessment for the year 1844,	10 61	
" Assessment for the year 1845,	33 65	
<i>Treasurer of Johnson County, Dr.</i>		
To bal. on Assessment for the year 1844,	25 23	
" Assessment for this year 1845,	243 39	
<i>Treasurer of Kishkekosh County, Dr.</i>		
To Assessment for the year 1845,	6 51	
<i>Treasurer of Davis county, Dr.</i>		
To bal. due on Assessment for the year 1844,	5 78	
<i>Treasurer of Des Moines County, Dr.</i>		
To bal. due on Assessment for the year 1844,	231 29	
" Assessment for this, year 1845,	718 09	
		\$ 3397 65
To this amount, add the amount due upon old accounts, as per Auditor's report of 15th May, 1845, upon which there has been nothing paid.		\$ 3474 07
The abstracts of the Assessment for the year 1845, have not been sent up to this office from the following counties to-wit:—Davis, Keokuk, Jackson, Cedar, Lee, Wapello, Dubuque, and Van Buren.		\$ 6871 72
Total amount of resources,	\$6871 72	
Amount of liabilities now outstanding,		\$ 17650 60
Excess of liabilities above resources,		\$ 10778 80
<p>You will perceive from the foregoing statement that there is a heavy balance outstanding the Territory, and to meet this liability would it not be expedient on the part of the Legislative Assembly, to increase the Territorial tax to one mill and a half on the dollar. This increase of tax, could not in my humble opinion, prove detrimental to the interests of the Territory, but would have a tendency to relieve the Territorial Treasury of the liabilities with which it is now burthened. All of which is respectfully submitted.</p>		
ROBT. M. SECREST, Aud. of Pub. Accounts.		

REPORT

OF THE TERRITORIAL TREASURER.

TREASURER'S OFFICE, IOWA,
Iowa City, December 8, 1845.

To the Honorable, the Speaker of the

House of Representatives of the Territory of Iowa :

SIR :—In compliance with the following resolution, viz: "That
"the Territorial Treasurer be requested to report to this House the
"amount of indebtedness of the Territory, the present means of
"paying off such indebtedness, and if in his opinion, there is any
"other manner of collecting the revenue, preferable to the present
"mode, &c." I submit the subjoined statement :

The following liabilities do not include those of the public build-
ings at the seat of government.

	Dol. Cts.
Debt created by "Convention,"	8650 00
Warrants issued and outstanding, exclusive of said Con- vention debt.	12521 77
Total amount,	21171 77
Included in the above, are warrants to the amount of be- tween nine and ten thousand dollars, issued in favor of the Penitentiary, and cancelled by Mr. Stull, "former Secretary of this Territory," with an appropriation made by Congress for that purpose. The exact amount paid off by said appropriation, I have not as yet ascer- tained, but I am well convinced that it cannot fall short of	9000 00
Which leaves a debt of	12171 77
The amount of assessments of Territorial revenue of the several counties, prior to the year 1845, and unaccount- ed for, is four thousand and eighty-three dollars ; but from this amount there will have to be deducted the County Collectors' and Treasurers' fees, delinquencies and defalcations, which, in all probability, will reduce the available sum to about	1000 00
Revenue of 1845, say	4000 00
Balance against the Territory,	7171 77

From a want of some facts, the foregoing statement may not be exactly correct, yet I am well persuaded that it will not greatly vary from the true result.

I am not prepared to present any modifications in the revenue law, that would be likely to prove salutary in the collection of Territorial Revenue. So far it has answered its purpose as well as its authors could have desired; and I take pleasure in stating, that under it, a degree of promptness heretofore unknown, has been manifested on the part of county officers, who have the handling of the Territorial revenue.

I would respectfully suggest for your consideration, the expediency of raising the Territorial tax to one mill on the dollar. I make this proposition from a thorough conviction of its policy.—Territorial warrants are worth but fifty cents on the dollar—a depreciation that is scarcely to be found in any county in this Territory. One cause of this state of depressed credit may be traced to the creation of a debt of \$8650 00, known as the "Convention debt," without providing the means for its payment.

To provide means at this time by raising the tax, could not be regarded in good faith, as oppressive as it would only be performing a simple act of justice towards *bona-fide* creditors of the Territory, many of whom have been compelled from necessity to dispose of their claims, at from forty to fifty cents on the dollar.

Doubtless a majority of the citizens of the Territory, would prefer a change in our form of Government, yet there are but few so regardless of State debts and embarrassment, as not to hesitate before making the change in the face of a debt, small it is true, yet a nucleus around which larger ones may gather.

But as it regards this, I am well satisfied that whatever may be necessary for the honor and dignity of the Territory, will be done promptly and efficiently.

I am respectfully,

Your obedient servant,

M. RENO,

Territorial Treasurer.

REPORT

OF THE TERRITORIAL TREASURER.

TREASURER'S OFFICE, IOWA,
Iowa City, December 10, 1845. }

To the Honorable the Legislative Assembly—

GENTLEMEN :—In obedience to law, I herewith submit to you the annual report of this office.

The following statement will show the receipts and disbursements since 10th May, 1845, to 10th December, 1845.

	Dol.	Cts.	Dol.	Cts.
1845. Amount in Treasury, May 10, 1845.			142	55

Receipts 1st Quarter from 10th May, 1845.

DESMOINES COUNTY.

May 29,

By warrant No. 132, Ward Lamson,	8	00
" " " 123, O. H. W. Stull,	37	50
" " " 91, Patrick Gilligan,	5	96
" " " 86, T. F. Scott,	29	20
" " " 102, Wm. Wilson,	31	50
" " " 93, John Carl,	17	47
" " " 88, T. F. Scott,	8	64
" " " 88, Anderson & McHenry,	10	75
" " " 87, T. F. Scott,	11	00
" " " 85, D. Wellington,	33	80
" " " 110, Smith & Deming,	17	11
" " " 78, Charles Jewett,	58	66
" " " 105, John Moyse,	31	84
" " " 143, O. H. W. Stull,	50	00

Treas. certificate No. 14, Peter Miller,	79	80
" " " 9, H. Taylor,	39	69

VAN BUREN COUNTY,

June 9. By warrant No. 135, John Waters	34	50
" postage paid on letter,		12

WAPELLO COUNTY,

do. 13. By revenue for the year 1844,	2	45
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1845

JOHNSON COUNTY.

June 14 By Treas. draft No. 21, W. L. Gilbert.
do " " Cash

Dol.	cts.	Dol.	cts.
20	00		
100	00		

LOUISA COUNTY,

July 24 By warrant No. 186, J. W. Brookbank

96 00

MUSCATINE COUNTY,

July 31 By revenue for the year 1844.

72 86

796 85

Total amount of receipts.

939 40

Disbursements 1st Quarter from May 10, 1845.

Warrants No.

" 54 R. W. Albright	24 00	
" 132 Ward Lamson	8 00	
" 91 Patrick Gilligan	5 96	
" 89 Adderson and McHenry	10 00	
" 110 Smith and Deming	17 11	
" 78 Charles Jewett	58 66	
" 93 John Carl	17 47	
" 85 Darias Wellington	33 80	
" 105 John Moyse	31 84	
" 102 William Wilson	31 50	
" 123 O. H. W. Stull	37 50	
" 143 do. do.	50 00	
" 86 Thomas F. Scott	29 20	
" 88 do. do.	8 64	
" 87 do. do.	11 00	
H. Taylor, Treas, certificate No. 9	39 69	
Peter Miller " " " 14	79 80	
W. L. Gilbert, salary as Auditor	20 00	
" 135 John Waters	34 50	
" 181 Francis Thompson	22 55	
W. L. Gilbert, salary as Auditor	55 00	
" 186 John W. Brookbank	96 00	
" 71 Arthur Washburn	2 00	
" 218 M. Reno.	65 00	789 97

Excess of receipts end of 1st quarter.

149 43

Receipts of 2d Quarter, 1845.

VAN BUREN COUNTY,

Sep. 24 By warrant No. 238, John Hale

108 00

		Dol. Cts.	Dol. Cts.
1845			
CLINTON COUNTY,			
Sep. 30	By revenue for year 1844.	5 00	
LOUISA COUNTY,			
	By Treas. draft No. 24, W. L. Gilbert	65 00	178 00
Total amount,			327 43
<i>Disbursements 2d Quarter, 1845.</i>			
Warrants No.			
"	238 John Hale,	108 00	
"	237 Richard B. Wycoff,	2 37	
	W. L. Gilbert, salary as Auditor	75 00	185 37
Excess of receipts end of 2d quarter,			142 06
<i>Rec'ts from 10th Nov. to 10th Dec. 1845.</i>			
WASHINGTON COUNTY,			
Dec. 3	By revenue for year 1844.	7 50	
DELAWARE COUNTY,			
do. 4	By revenue,	9 60	
JOHNSON COUNTY,			
do 10	By warrant No. 188, F. M. Irish	6 00	
	" " " 182, F. Thompson	2 95	25 35
Total amount,			167 41
<i>Disbursements same time.</i>			
Warrants No.			
"	193 George S. Hampton,	25 00	
"	248 M. Reno,	60 00	
"	245 John Laure,	12 50	
	W. L. Gilbert, salary in full up to the 27th day of Nov. 1845.	27 46	
"	188 F. M. Irish,	6 00	
"	182 Francis Thompson,	2 95	133 91
Excess of rec'pts. 10th Dec. 1845.			33 50

The following, is a correct statement of the receipts and expenditures of this office, as connected with the seat of government of the

Territory, subsequent to 1st June, 1845, at which time I took charge of the same.

In compliance with "An act for the relief of William B. Snyder, approved, 10th June, 1845," I had a public sale of City lots on the 10th day of July last, the result of which will be given below.

1845		Dol.	Cts.	Dol.	Cts.
June 1	Notes for work and materials received from Anson Hart, late Territorial Agent,	2223	49		
June 10	Amount received from 20 lots at sale for relief of Wm. B. Snyder,	280	50		
Aug. 19	Amount from sale of one forfeited lot,	125	00	2628	99
<i>Expenditures and notes on hand.</i>					
July 11	Amt. paid F. M. Irish, crier of sale,	5	00		
do. 12	" " A. H. & G. D. Palmer for publishing notice of public sale,	4	00		
do. 12	Amount paid William B. Snyder,	66	50		
do. 23	" " " "	20	00		
Aug. 6	" " " "	50	00		
do. 22	" " " "	25	00		
do. 26	" " " "	44	50		
Sep. 23	" " " "	26	56		
	Amount paid John M. Coleman, late Territorial Agent on salary act's.	125	00		
	Amount of script redeemed,	40	00		
	" " notes for work and materials on hand,	2147	35		
	Amount paid McGinnis and Driscall for work,	13	04	2566	95
Excess of receipts Dec. 10, 1845.					62 04
The following is a general statement of the resources and liabilities of the Territory as connected with the seat of Government, viz:					
322 unsold and forfeited lots—amounting, at their present minimum to		24973	00		
Notes for work and materials,		2147	35		
Total amount,				27120	35

1845		Dol. Cts.	Dol. Cts.
	<i>Liabilities, to-wit:</i>		
	Debt due the Miner's Bank, say,	6650 00	
	Notes and certificates issued and outstanding	2172 50	8822 50
	Excess of resources,		18297 35
	The above notes for work and materials being available only in the completion of the Capitol, &c. it will be proper to deduct them from the resources for the payment of the liabilities,		2147 35
	Which leaves an excess of receipts of		16150 50
	From the best information within my reach, I am led to the conclusion, that the unsold and forfeited lots, will not sell for more than an average of \$30 00. If I am correct the total amount will be	9660 00	
	And the liabilities being,	8822 50	
	Will leave an excess of resources of	837 50	

The result of the sale in May next, may prove my estimate to be too low, I hope so, but fear the reverse.

The law directing a sale of lots in May next, appropriates the proceeds only of the forfeited lots, which were sold prior to 28th June, 1841, to the payment of debts, other than that due the Miners' Bank. These forfeited lots, amount at their present minimum to only \$430 00, and the debts exclusive of that due the Miners' Bank, amount to \$2172 50—which leaves a balance in this particular of \$1742 50.

In view of these facts, together with a full conviction that no injury can accrue from it to the Territory, I would respectfully suggest, the expediency of so modifying the law referred above, as to allow all creditors of the Capitol to offset their claims so far as they extend, against any debts they may contract in the purchase of lots at the sale in May next. By this arrangement many persons will, in all probability, be induced to purchase, that otherwise would not.

Fearing from the exposed condition of the basement of the Capitol, that accidents might happen from fire, I had it enclosed. I have

also had a door put in the east front of the Capitol; but for the want of funds and proper materials, nothing further has been effected in the completion of the Capitol.

All of which is most respectfully submitted,

By your obedient servant,

M. RENO,

Territorial Treasurer.

MEMORIAL

In regard to the Reserved Mineral Lands, drawn up by the Hon. D. S. Wilson, of Dubuque county, and passed the Iowa Legislature on the 17th Dec.

To the Honorable the Senate and House of Representatives in Congress assembled.

Your Memorialists, the Legislature of Iowa, would respectfully represent to your honorable body, that there is a large tract of land lying within the limits of this Territory, reserved from sale, generally known as the "Reserved Mineral Lands," which your memorialists respectfully, but urgently, petition may be brought into market as soon as you, in your wisdom, may deem proper. Your Memorialists are fully acquainted with the character of the land of such reservation, and think that the present manner of leasing such land by a U. S. government officer, [salaried for such purpose,] is unjust to the miner—wrong in principle—absurd in theory—and savors more of the by-gone ages of feudalism, than of the progressive march of free government.

Your Memorialists call your attention to the fact of the marked distinction existing between the policy observed towards the settlers upon the public lands, and that which is enforced against the miner—a distinction which is the more odious, because there is really no difference between the claims of the respective parties to the protection of the laws of the country, and the fostering hand of Congress.

The General Government, by the adoption of the Pre-Emption system and opening out the lands to settlers for the purpose of taking up such lands, has, if not directly, at least indirectly, invited persons to locate upon any lands not in market, so that when they

should be ordered to be sold, there would be purchasers more certainly found. This policy, as far as it extends, is doubtless an act of wisdom on the part of the Government, as well as an act of justice to the settler—by whose toil and enterprise the wilderness lands of the West have been reclaimed.

The question here naturally suggests itself—"Should there be any distinction made by Congress in the sale of the 'Reserved Mineral Lands,' and the residue of the public domain in the West?" We think not, with this single exception, that there should be some limitation as to the number of acres that one person should be permitted to purchase, so that none should be precluded from having a share, and to prevent speculators from buying up sections, and also, as far as possible in such sale, to respect the Pre-Emption claims which persons may have—not legally, but strictly in accordance with custom, which it may be truly said is quite as equitable as the generality of legislative enactments.

If there ever was a time since the organization of our Territory, in which doubts, mistrusts, and fears hung upon the hopes of the miner, it is most emphatically *the present*. Doomed by his calling to the most uncertain of all trades or professions, he presents claims to your consideration, and demands a thousand times stronger the arm of Legislation in securing to him his lands and his rights, than the protection which is annually claimed by other branches of industry. As a class of individuals, none have submitted to greater privations, nor contributed more largely to the general wealth, by developing the resources of the great West, and none possess a greater degree of the higher qualities than adorn society. As evidence of this, we would instance the conspicuous part which they bore in the Black Hawk War. A war in which they voluntarily joined, with scarcely an exception, and with a zeal and energy which marked them as the chief champions in the contest, and conducted the campaign to a successful issue.

By their industry and perseverance they have made the mineral portion of Iowa bloom and blossom—they have built up towns—encouraged agriculture—ever led the van in civilization, and been the pioneers to overcome all obstacles—have opened out the country and brought it to its present flourishing state. What returns do they ask for this? Anything that should startle the consciences of the

most scrupulous? Not at all. They ask no encouragement from Congress—no legislation to protect their industry. They only ask that Congress should treat them as they have other citizens who have located in the West. Recognizing no distinction in the treatment of the General Government between American citizens, they only ask to be put on a level with others who have gone before them. They ask the paltry boon of government, of buying their lands and securing their homes, at the same price, and under the same restrictions that others have, who were similarly situated in other portions of the country. "The greatest good to the greatest number," is an adage by which all profess to be governed in this country, in legislating for the benefit of the people. If this should be recognized as the standard of action in Congress, and acted upon, then we are sure that it will not be long before each hardy miner can have his home secured. It will stop the thousand exciting and expensive causes of litigation—give a permanency to the calling of mining—secure each man in his just rights—give an impetus to enterprise and business, that never can be felt so long as we labor under the incubus of uncertainty as to ownership which now comparatively palsy the energies and crush all exertion in that branch of the industrial pursuits.

The sale of Mineral Lands will not only put an end to all the difficulties growing out of the uncertain tenure of the lands in their present condition, but it is clearly the interest of Government and of the people. This is susceptible of proof. Let those who doubt, turn to their maps and see what an immense amount of land is reserved from sale, and then compute the interest such money would bring, at one dollar and twenty-five cents per acre, and he would be astonished at the amount—exceeding as it would, all the rent-lead that the government has ever received, or must ever expect to receive by the system of leasing. This reservation also includes hundreds of acres of farming land, upon which there never has been any mineral discovered, and probably from the nature of the soil there never will be.

So long as the ownership of any land is doubtful, or the title withheld, so long it retards the permanent improvement and growth of the country,—which it should be the policy of the Government to encourage rather than to impede.

In a late trial at the city of Dubuque, concerning the right of the Government to lease the Mineral Lands west of the Mississippi, it was testified to by some of the most respectable smelters in the mines, that as a general thing labor was worse paid by mining, than in any of the general avocations or pursuits of life—and it was their opinion from observation and long experience, that for many years, the business of mining would not pay twelve and a half cents a day to the whole number of workmen engaged in that business.

The residents upon the Mineral Lands, so long as the present mode of leasing prevails, can be regarded in no other light than as mere tenants at will of the General Government. This accords neither with the spirit nor genius of our institutions. Our government was founded for the benefit of the entire people. Congress was established for the purpose of legislating for the good of the people of the whole Union. Their wishes are generally arrived at by memorials and petitions. Yet Congress has permitted the prayers of the people residing upon the Mineral Lands to pass unheeded, month after month, and year after year, until they almost give up in despair in the expectation of relief from Congress. Again, what a spectacle does it present for this great republic to condescend to send out an Agent to demand a tithe from the hard earnings of an industrious individual who may have labored for years unsuccessfully; but, as soon as his perseverance is rewarded, he must be harassed by an Agent who demands a considerable share of his toil for the privilege he may have of working upon land which he has claimed and had possession of for years, and which he is not only willing, but anxious to buy.

Your memorialists deem it unnecessary to say anything in relation to the present system of leasing the public lands. The most casual observer must admit that it is radically wrong in theory, but the attempts to reduce it to practice is a complete burlesque upon the government. So completely worthless was the system, after long experience, that it was abandoned for near eight years, and was only revived by the late administration, during the rush for office. One fact must convince all of its absurdity, *that the Government Agents, during the years of their appointments, have never collected enough even to pay their own salaries!—being consequently a loss to the government.*

What can be done under a full examination and complete survey of the question? Remain as we are, we cannot any longer. Action we must have for the benefit of the inhabitants that live upon the reserved Mineral Lands, to secure the home of the farmer, and to give stability to the business of mining. This can only be done by bringing the reserved Mineral Lands into market as soon as you, in your wisdom may see proper, *at the usual price*, and in such quantities as will do justice both to the poor and the rich,—this will forever settle this vexed question, and is the way, sooner or later, that must be adopted, and for which your petitioners will ever pray.

Resolved, That his Excellency, the Governor, be requested to forward a copy of this memorial to the President of the Senate, and Speaker of the House of Representatives, and to our Delegate in Congress.

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